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SALUS POPULI SUPREMA LEX ESTO

“The welfare of the people shall be the supreme law.”



MATT BLUNT

SECRETARY OF STATE

MISSOURI
REGISTER

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MISSOURI REGISTER



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Documents will be accepted for filing on all regular workdays from 8:00 a.m. until 5:00 p.m. We encourage early filings to facilitate the timely publication of the *Missouri Register*. Orders of Rulemaking appearing in the *Missouri Register* will be published in the *Code of State Regulations* and become effective as listed in the chart above. Advance notice of large volume filings will facilitate their timely publication. We reserve the right to change the schedule due to special circumstances. Please check the latest publication to verify that no changes have been made in this schedule. To review the entire year's schedule, please check out the website at <http://www.sos.mo.gov/adrules/pubsched.asp>

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HOW TO CITE RULES AND RSMo

RULES—Cite material in the *Missouri Register* by volume and page number, for example, Vol. 28, *Missouri Register*, page 27. The approved short form of citation is 28 MoReg 27.

The rules are codified in the *Code of State Regulations* in this system—

Title	Code of State Regulations	Division	Chapter	Rule
1 Department	CSR	10- Agency, Division	1. General area regulated	010 Specific area regulated

They are properly cited by using the full citation , i.e., 1 CSR 10-1.010.

Each department of state government is assigned a title. Each agency or division within the department is assigned a division number. The agency then groups its rules into general subject matter areas called chapters and specific areas called rules. Within a rule, the first breakdown is called a section and is designated as (1). Subsection is (A) with further breakdown into paragraph 1., subparagraph A., part (I), subpart (a), item I. and subitem a.

RSMo—The most recent version of the statute containing the section number and the date.

The Secretary of State shall publish all executive orders beginning January 1, 2003, pursuant to section 536.035.2, RSMo Supp. 2002.

EXECUTIVE ORDER 04-17

WHEREAS, I have been advised by the Director of the State Emergency Management Agency that the State of Florida is requesting assistance under the Emergency Mutual Aid Compact ("EMAC") in response to the devastation caused by Hurricane Charley affecting the entire State of Florida; and

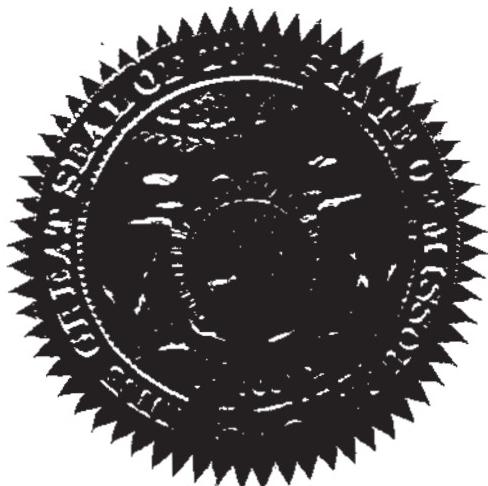
WHEREAS, the State of Florida requests that Missouri provide state and local emergency management personnel beginning on August 18, 2004, and continuing; and

WHEREAS, on August 18, 2004, I directed the Director of the State Emergency Management Agency to initiate efforts to coordinate the State of Florida's request pursuant to the EMAC; and

WHEREAS, protection of the safety and welfare of the citizens in the affected communities requires an invocation of the provisions of Sections 44.415 RSMo, 44.032 RSMo, and 44.090 RSMo.

NOW, THEREFORE, I, BOB HOLDEN, GOVERNOR OF THE STATE OF MISSOURI, by virtue of the authority vested in me by the Constitution and the Laws of the State of Missouri, do hereby declare that Missouri will implement the EMAC agreement with the State of Florida to provide assistance, because Florida has experienced loss of life and devastating damages to public and private property, and I do hereby direct that the Missouri State Management Agency activate the EMAC plan.

This Executive Order shall terminate on October 31, 2004, unless extended in whole or in part.



IN WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Missouri, in the City of Jefferson on this 18th day of August, 2004.

A handwritten signature in black ink that reads "Bob Holden".

Bob Holden
Governor

ATTEST:

A handwritten signature in black ink that reads "Matt Blunt".

Matt Blunt
Secretary of State

**EXECUTIVE ORDER
04-18**

WHEREAS, on March 22, 2004, the United States Department of the Army gave notice, pursuant to 10 U.S.C. § 2683, that the United States relinquishes and retrocedes jurisdiction as necessary so as to hold a proprietary interest in 17.89 acres located in the city of St. Louis, Missouri, commonly known as the St. Louis Army Ammunition Plant ("SLAAP"); and

WHEREAS, the State of Missouri ceded "exclusive jurisdiction" over 293.641 acres acquired for use by the United States, which became known as the SLAAP, pursuant to House Bill No. 397, 62nd Legislative Session, 1943, and the United States accepted jurisdiction over the SLAAP site by letter of general acceptance from the Acting Secretary of the Army to the Governor of Missouri, dated September 7, 1943; and

WHEREAS, in 1961, the United States transferred accountability for most of the acreage to the General Services Administration, which agency then disposed of those acres, and at that time, due to the disposal, jurisdiction over those acres automatically retroceded to the State of Missouri; and

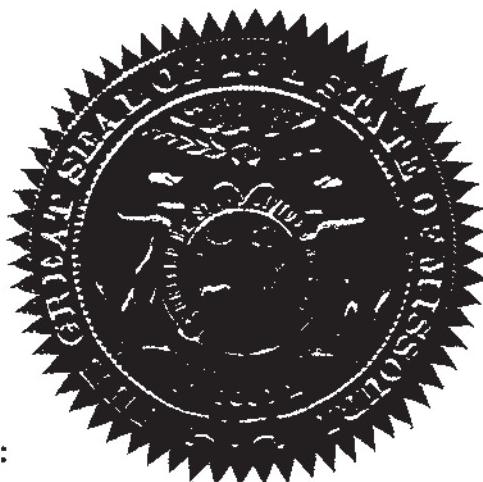
WHEREAS, the United States declared the remaining government-owned acres inactive and placed them in caretaker status several years ago; and

WHEREAS, retrocession of legislative jurisdiction will allow the state, county and municipality, as appropriate, where the SLAAP is located to enforce their laws and ordinances over the area; and

WHEREAS, § 12.028, RSMo, provides that the Governor may, by appropriate Executive Order, accept on behalf of the State of Missouri full or partial retrocession of federal jurisdiction, criminal or civil, over any lands, except Indian lands, in federal enclaves within the state where such retrocession has been offered by an appropriate federal authority, and such Executive Order accepting a retrocession of jurisdiction shall be filed in the office of the Secretary of State and in the office of the Recorder of Deeds in the county (or city) in which the affected real estate is located; and

WHEREAS, if legislative jurisdiction is retroceded, the State of Missouri will exercise exclusive jurisdiction over the SLAAP.

NOW, THEREFORE, I, BOB HOLDEN, GOVERNOR OF THE STATE OF MISSOURI, by virtue of the authority vested in me by the Constitution and laws of the State of Missouri, including § 12.028, RSMo, do hereby accept on behalf of the State of Missouri retrocession of federal jurisdiction over the SLAAP, the legal description of which is attached hereto as Exhibit A, and by this reference, incorporated herein, retrocession of federal jurisdiction being offered by an appropriate federal authority. This Executive Order accepting retrocession of jurisdiction shall be filed in the office of the Secretary of State and in the office of the Recorder of Deeds for the city of St. Louis, Missouri.



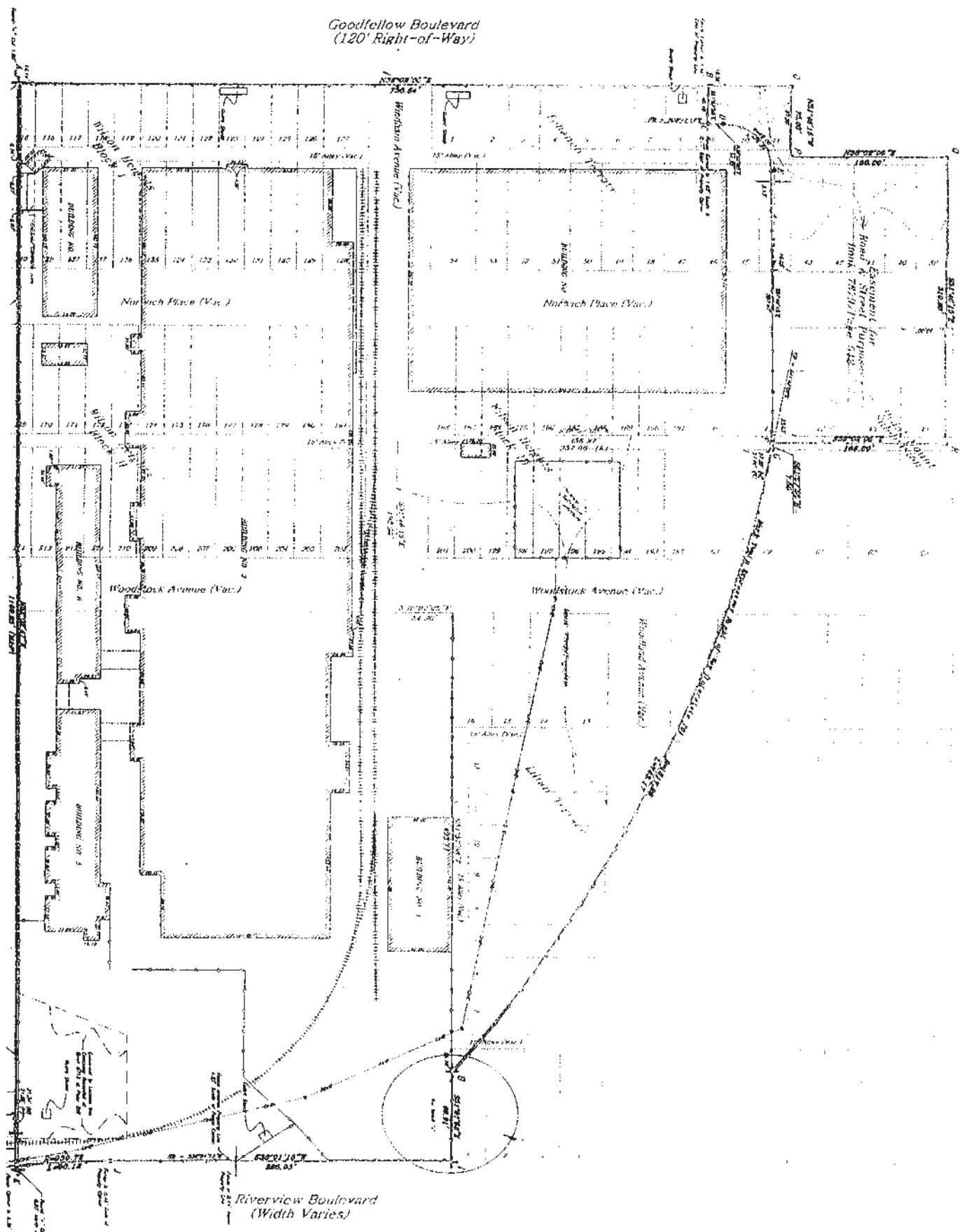
ATTEST:

IN WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Missouri, in the city of Jefferson, on this 25th day of August, 2004.


Bob Holden
Bob Holden
Governor


Matt Blunt
Matt Blunt
Secretary of State

Exhibit "A" Attached



Under this heading will appear the text of proposed rules and changes. The notice of proposed rulemaking is required to contain an explanation of any new rule or any change in an existing rule and the reasons therefor. This is set out in the Purpose section with each rule. Also required is a citation to the legal authority to make rules. This appears following the text of the rule, after the word "Authority."

Entirely new rules are printed without any special symbol—*ogy* under the heading of the proposed rule. If an existing rule is to be amended or rescinded, it will have a heading of proposed amendment or proposed rescission. Rules which are proposed to be amended will have new matter printed in boldface type and matter to be deleted placed in brackets.

An important function of the *Missouri Register* is to solicit and encourage public participation in the rulemaking process. The law provides that for every proposed rule, amendment or rescission there must be a notice that anyone may comment on the proposed action. This comment may take different forms.

If an agency is required by statute to hold a public hearing before making any new rules, then a Notice of Public Hearing will appear following the text of the rule. Hearing dates must be at least thirty (30) days after publication of the notice in the *Missouri Register*. If no hearing is planned or required, the agency must give a Notice to Submit Comments. This allows anyone to file statements in support of or in opposition to the proposed action with the agency within a specified time, no less than thirty (30) days after publication of the notice in the *Missouri Register*.

An agency may hold a public hearing on a rule even though not required by law to hold one. If an agency allows comments to be received following the hearing date, the close of comments date will be used as the beginning day in the ninety (90)-day-count necessary for the filing of the order of rulemaking.

If an agency decides to hold a public hearing after planning not to, it must withdraw the earlier notice and file a new notice of proposed rulemaking and schedule a hearing for a date not less than thirty (30) days from the date of publication of the new notice.

Proposed Amendment Text Reminder:

Boldface text indicates new matter.

(Bracketed text indicates matter being deleted.)

**Title 7—DEPARTMENT OF TRANSPORTATION
Division 10—Missouri Highways and Transportation
Commission
Chapter 25—Motor Carrier Operations**

PROPOSED RULE

7 CSR 10-25.040 Notice to be Given to Consumers by Household Goods Carriers—Timing of Delivery, Form and Contents

PURPOSE: *This rule requires motor carriers of household goods to provide an informational pamphlet to customers or potential customers at appropriate times, informing them of their rights and obligations as consumers of intrastate household goods carriage services. The intent of the rule is to better inform consumers and reduce the likelihood of disputes arising between household goods carriers and their customers.*

(1) Motor carriers transporting or offering to transport household goods in intrastate commerce on the public roads of this state shall provide a notice of consumer rights and obligations as set forth herein to their shipper customers or potential customers.

(2) The notice shall be provided to the shipper customer or potential customer at the first occurrence of the following events between the carrier and the shipper customer:

(A) When the carrier presents to the shipper customer any binding or non-binding estimate of charges for carriage of household goods in intrastate commerce;

(B) When the carrier takes any action in furtherance of assuming the carriage rights and responsibilities of any other carrier, which has become incapable, for any reason, to complete a shipment of household goods in intrastate commerce;

(C) When the carrier presents to the shipper customer any contract or offer to provide for carriage of household goods.

(3) The notice to be provided shall be delivered by hand delivery, in person, when the contact with the shipper customer or potential customer as described in section (2) above is in person contact. When the contact with the shipper customer or potential customer is by telephone or mail, the notice to be provided shall be delivered by depositing the notice brochure, enveloped and addressed properly to the shipper customer or potential customer, into United States mail, first class postage prepaid, within two (2) working days of the telephone or mail contact. Carriers may send the notice via facsimile transmission, e-mail, or any other electronic medium which accurately duplicates the prescribed form and content of the notice, within two (2) working days after an event described in section (2) of this rule. Carriers shall send the notice by such an electronic medium, if available, whenever the shipper customer or potential customer has requested notice via that medium, or has contacted the carrier by that medium and has not requested notice by a different medium.

(4) Motor carriers of household goods shall maintain a permanent written record which certifies that they delivered the required notice pamphlet to the shipper customer or potential customer as required by this rule, including the date and manner of delivery. This record shall be kept at the carrier's principal place of business or terminal of operations responsible for that move.

(5) The notice of customer rights and obligations shall contain words and phrases set forth in the current form of notice printed by the Department of Transportation (MoDOT), in not less than nine (9)-point type, in a readily legible format. The Department of Transportation shall make copies of the notice available in reasonable quantities at no cost to the household goods carriers registered for intrastate carriage in this state. The notice is provided at the following website: <http://www.carrier.state.mo.us/mcs/registration/info.htm>.

(6) Motor carriers of household goods in intrastate commerce shall, prior to delivery of the notice brochure required by this rule, insert or affix their company name, address and telephone number by imprint, stamp or decal affixed to the blank space provided for such information in the notice form prescribed by MoDOT.

(7) Motor carriers of household goods in intrastate commerce shall maintain records of delivery of the notice required by this rule at their principal place of business or terminal of operations responsible for the move, for a minimum period of twelve (12) months following the contact with the shipper customer or potential customer, and shall produce such records for inspection upon demand at any time by authorized Motor Carrier Services Inspectors or other authorized personnel from the Department of Transportation.

(8) Nothing in this rule shall be construed to cause, work, provide or effect any representation, guarantee, warranty, indemnification or other assurance by the state of Missouri, the Missouri Highways and Transportation Commission or the Missouri Department of Transportation, of the services, representations or compensations for damages of any motor carrier to any shipper customer or potential customer of any motor carrier.

AUTHORITY: sections 226.008, RSMo Supp. 2003 and 387.060, RSMo 2000. Original rule filed Aug. 16, 2004.

PUBLIC COST: This proposed rule is estimated to cost the department four thousand eight hundred fifty-three dollars (\$4,853) in the aggregate.

PRIVATE COST: This proposed rule is estimated to cost household goods movers twenty-one thousand nine hundred ninety-seven dollars and twenty-five cents (\$21,997.25) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the Missouri Department of Transportation, Mari Ann Winters, Secretary to the Commission, PO Box 270, Jefferson City, MO 65102. To be considered, comments must be received within thirty days (30) after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

FISCAL NOTE
PUBLIC ENTITY COST

I. RULE NUMBER

Title: 7 - Department of Transportation

Division: 10 - Missouri Highways and Transportation Commission

Chapter: 25 - Motor Carrier Operations

Rule Number and Name:	7 CSR 10-25.040 Notice To Be Given To Consumers By Household Goods Carriers - Timing of Delivery, Form and Contents
Type of Rulemaking:	Proposed Rule

II. SUMMARY OF FISCAL IMPACT

Affected Agency or Political Subdivision	Estimated Cost in the Aggregate.
Missouri Department of Transportation	\$4,853.00

III. WORKSHEET

MO Dept. of Transportation Employees	Cost Involved
Printing cost of 15,000 copies @ \$815 per year	\$815.00
Staff time to prepare for mailing	\$38.00
Mailing cost/mail room labor to mail pamphlets to carriers	\$4,000.00

Total Estimated Costs for FY 2005 and Subsequent Years **\$4,853.00**

IV. ASSUMPTIONS

1. The Motor Carrier Services Division will distribute the pamphlets to the industry.
2. Cost of mailing pamphlets was computed at first class in bundles of 50.
3. Staff time to label and stuff @ 2 minutes per bundle. Labor computed at .20 cents per minute (.20 cents X 2 minutes X 95 = \$38.00).
4. Any other costs not identified in this fiscal note are unforeseeable.

**FISCAL NOTE
PRIVATE ENTITY COST**

I. RULE NUMBER

Title: 7 - Department of Transportation
Division: 10 - Missouri Highways and Transportation Commission
Chapter: 25 - Motor Carrier Operations

Rule Number and Name:	7 CSR 10-25.040 Notice To Be Given To Consumers By Household Goods Carriers - Timing of Delivery, Form and Contents
Type of Rulemaking:	Proposed Rule

II. SUMMARY OF FISCAL IMPACT

Estimate of the number of entities by class which would likely be affected by the adoption of the rule:	Classification by types of business entities which could be affected:	Estimated cost in the aggregate.
95	Household Goods Motor Carriers	\$21,997.25

III. WORKSHEET

Cost to individual motor carrier to distribute pamphlet to consumer/customer per year (.2095 wage X 3 minutes X 7,000 copies/95 carriers).	\$46.31
Total average per carrier	\$46.31

Total Estimated Costs for FY 2005 and Subsequent Years **\$21,997.25**

IV. ASSUMPTIONS

1. The pamphlets will be given to the industry for distribution by the Motor Carrier Services Division for a minimum of five years.
2. Estimated number of pamphlets to be distributed by carrier each year (@ 7,000 with extra on hand at the motor carriers' businesses.
3. Estimated time to handle and distribute pamphlet to customer (@ 3 minutes each.
4. Estimated cost per hour of employee to distribute information using Average Wages of Truck Drivers in Missouri (SOC Code 53-3033) @ \$12.57 or .2095 cents per minute.
5. Average annual cost of \$4,399.45.
6. Any other cost not identified in this fiscal note are unforeseeable.

Title 13—DEPARTMENT OF SOCIAL SERVICES
Division 70—Division of Medical Services
Chapter 10—Nursing Home Program

PROPOSED AMENDMENT

13 CSR 70-10.015 Prospective Reimbursement Plan for Nursing Facility Services. The division is amending subsection (3)(T) and adding section (20).

PURPOSE: *This amendment provides for the implementation of Senate Bill No. 1123 which rebases nursing facility rates each fiscal year beginning July 1, 2004.*

(3) General Principles.

(T) Rebasing.

1. The division based on its discretion shall pick at least one (1) cost report year from cost reports with fiscal years ending in *1995 through 1999/ 2001 or later* to compare the allowable costs from the selected desk audited and/or field audited cost report year to the reimbursement rate in effect at the time of the comparison. *[Each facility's reimbursement rate will be increased or decreased to reflect the allowable costs from the desk audited and/or field audited cost report selected above.]* The rebased rates shall be determined in accordance with section (20).

(20) Rebasing of Nursing Facility Rates.

(A) Effective July 1, 2004, nursing facility rates shall be rebased on an annual basis. The rebased rates shall be phased in as set forth below in subsection (20)(B). Each nursing facility shall have its prospective rate recalculated using the same principles and methodology as detailed throughout sections (1)–(19) of this regulation, unless otherwise noted in this section (20). The following items have been updated to reflect the rebase:

1. Nursing facility rates shall be rebased on an annual basis using the cost report year that is three (3) years prior to the effective date of the rate change. For example, for SFY 2005, the effective date of the rate change is for dates of service beginning July 1, 2004 and the cost report year used to recalculate rates shall be 2001; for SFY 2006, the effective date of the rate change is for dates of service beginning July 1, 2005 and the cost report year used to recalculate rates shall be 2002; etc.

A. A new databank shall be developed from the cost reports for each rebase year in accordance with paragraph (20)(A)1. and subsection (4)(S).

B. The costs in the databank shall be trended using the indices from the most recent publication of the Health-Care Cost Review available to the division using the “CMS Nursing Home without Capital Market Basket” table. The costs shall be trended using the second quarter indices for each year. The costs shall be trended for the years following the cost report year, up to and including the state fiscal year corresponding to the effective date of the rates. For SFY 2005, the trends are from the First Quarter 2004 publication of the Health-Care Cost Review and include the following:

- (I) 2002:2 = 3.2%
- (II) 2003:2 = 3.4%
- (III) 2004:2 = 2.3%
- (IV) 2005:2 = 2.3%

(V) The total trend applied to the 2001 cost report data is 11.2%.

C. The medians and ceilings shall be recalculated each year, based upon the trended costs included in the new databank that is developed each year.

D. The costs, beds, days, renovations/major improvements, loans, etc. from each facility's cost report included in the databank shall be used to recalculate each facility's rate. The

costs reflected in each facility's cost report shall be trended as detailed above in (20)(A)1.B.

2. The asset value used to determine the capital cost component, as set forth in subsection (11)(D), shall be updated each year based upon the RS Means Building Construction Cost Data for the year coinciding with the effective date of the rates. The asset value is determined by using the median, total cost of construction per bed for nursing homes from the “S.F., C.F, and % of Total Costs” table and adjusting it by the total weighted average index for Missouri cities from the “City Cost Indexes” table. For SFY 2005, the asset value shall be forty-one thousand seven hundred twenty-eight dollars (\$41,728).

3. The age of the beds shall be calculated from the year coinciding with the effective date of the rates.

4. The interest rate used in determining the capital cost component and working capital allowance, as set forth in subsections (7)(F), (11)(D), and (11)(E), shall be updated to reflect the prime rate as reported by the Federal Reserve and published in the *Wall Street Journal* on the first business day of June for the year coinciding with the effective date of the rates plus two percent (2%). For SFY 2005, the interest rate shall be the prime rate of four percent (4%), as published June 1, 2004, plus two percent (2%) for a total of six percent (6%).

5. The rate of return used in determining the capital cost component, as set forth in subsection (11)(D), shall be updated to reflect the interest (i.e., coupon) rate for the most recent issue of thirty (30)-year Treasury Bonds in effect on the first business day of June for the year coinciding with the effective date of the rates plus two percent (2%). For SFY 2005, the rate of return shall be the thirty (30)-year Treasury Bond rate of 5.375%, effective June 1, 2004, plus two percent (2%) for a total of 7.375%.

6. The administration cost component per diem calculation shall not be adjusted for minimum utilization.

7. The capital cost component per diem calculation shall be adjusted for minimum utilization using the Department of Health and Senior Services' (DHSS) Intermediate Care Facility/Skilled Nursing Facility Certificate of Need Quarterly Survey (CON Quarterly Survey) for the most recent quarter available to the division relative to the effective date of the rates. The occupancy data from the CON Quarterly Survey shall be adjusted by the division using total licensed beds rather than available beds as is used by DHSS. For SFY 2005, the minimum utilization percent for the capital component is the adjusted industry average from the October–December 2003 CON Quarterly Survey and shall be seventy-three percent (73%).

8. The high volume adjustment for SFY 2005 shall continue to be based on the 2001 cost report rather than the cost report ending in the third calendar year prior to the state fiscal year as set forth in (13)(B)10.A.(I). The remaining criteria and calculations set forth in (13)(B)10. shall continue to be applicable. Therefore, facilities receiving the high volume adjustment for SFY 2004 shall continue to receive the same high volume adjustment for the first year of the rebase (i.e., July 1, 2004–June 30, 2005).

9. Since rates are being recalculated each year, rate adjustment requests for replacement beds, additional beds, and/or extraordinary circumstances as set forth in paragraphs (13)(B)6., (13)(B)7. and (13)(B)8. are no longer allowed.

(B) The rebased rates shall be phased in, as set forth below:

1. A preliminary rebased rate shall be calculated using the same principles and methodology as detailed throughout sections (1)–(19) of this regulation and the updated items detailed above in paragraphs (20)(A)1.–9.

2. The total increase resulting from the rebase each year shall be calculated as follows:

A. Each facility's current rate as of June 30 of each year shall be compared to the preliminary rebased rate effective July 1 of the following SFY. For example, for SFY 2005, the facility's

rate as of June 30, 2004 shall be compared to the preliminary rebased rate effective July 1, 2004; for SFY 2006, the facility's rate as of June 30, 2005 shall be compared to the preliminary rebased rate effective July 1, 2005; etc.

(I) The high volume adjustment, if applicable, and the NFRA shall not be included in the current rate or the preliminary rebased rate for comparison purposes in determining the total increase.

(II) The high volume adjustment, if applicable, and the current NFRA shall be added to the rate determined below in subparagraph (20)(B)2.B.

B. If the preliminary rebased rate is greater than the current rate, the difference between the two (2) shall represent the total increase that will be phased in by granting one-third (1/3) of the total increase each year. For SFY 2005, one-third (1/3) of the total increase shall be added to the facility's current rate as of June 30, 2004, less the reduction in the nursing facility operations adjustment of fifty-four cents (54¢) effective July 1, 2004 as set forth in (13)(A)9. The high volume adjustment, if applicable, and the current NFRA shall be added to that total and shall be the facility's prospective rate for SFY 2005.

C. If the preliminary rebased rate is less than the current rate, the facility shall continue to receive its current rate with any applicable adjustments for high volume and NFRA for the SFY.

(C) Interim rates and rates for hospital-based facilities that do not submit cost reports due to having less than one thousand (1,000) patient days for Medicaid residents shall also be recalculated and increases given each July 1 as set forth above.

AUTHORITY: sections 208.153, 208.159 and 208.201, RSMo 2000. Emergency rule filed Dec. 21, 1994, effective Jan. 1, 1995, expired April 30, 1995. Emergency rule filed April 21, 1995, effective May 1, 1995, expired Aug. 28, 1995. Original rule filed Dec. 15, 1994, effective July 30, 1995. For intervening history, please consult the *Code of State Regulations*. Emergency amendment filed June 18, 2004, effective July 1, 2004, expires Dec. 15, 2004. Amended: Filed Aug. 16, 2004.

PUBLIC COST: This proposed amendment will cost state agencies or political subdivisions approximately \$57,779,740 in SFY 2005.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Department of Social Services, Division of Medical Services, 615 Howerton Court, Jefferson City, MO 65109. To be considered, comments must be received within thirty (30) days after publication in the *Missouri Register*. If to be hand-delivered, comments must be brought to the Division of Medical Services at 615 Howerton Court, Jefferson City, Missouri. No public hearing is scheduled.

FISCAL NOTE**PUBLIC COST****I. RULE NUMBER**

Rule Number and Name	13 CSR 70-10.015 Prospective Reimbursement Plan for Nursing Facility Services
Type of Rulemaking	Proposed Amendment

II. SUMMARY OF FISCAL IMPACT

Affected Agency or Political Subdivision	Estimated Cost of Compliance in the Aggregate
Department of Social Services	\$57,779,740
Division of Medical Services	

III. WORKSHEET

Medicaid Days – Estimate SFY 2005	9,014,000
x Average Rate Increase	<u>\$6.41</u>
Total Estimated Impact – SFY 2005	<u>\$57,779,740</u>

IV. ASSUMPTIONS

Estimated Medicaid Days – SFY 2005:

Actual Medicaid days paid during SFY 2004 were increased by 0.5% to determine estimated days for SFY 2005.

Average Rate Increase:

Senate Bill 1123 provides for the annual rebasing of nursing facility rates using the cost report that is 3 years prior to the effective date of the rate change. For SFY 2005, the rate change is effective for dates of service beginning July 1, 2004 and the 2001 cost reports are used to determine the rebased rates. A new databank is developed from the cost reports for each rebase year and the ceilings are recalculated based upon the new databank. The costs in the databank are trended using the CMS Market Basket index for the years following the cost report year, up to and including the SFY corresponding to the effective date of the rates. For SFY 2005, the total trend applied to the 2001 cost report data is 11.2%.

The costs, beds, days, etc. from each facility's cost report included in the databank are used to recalculate each facility's rate. The capital cost component per diem is updated each year and is adjusted for minimum occupancy based upon the industry average occupancy. For SFY 2005, the minimum utilization percent is the industry average from the October – December 2003 CON Quarterly Survey and is 73%. The administration cost component per diem calculation is not adjusted for minimum utilization.

The initial rebase is to be phased in over a 3-year period by granting 1/3 of the total increase of the rebased rate over the current rate. The 1/3 increase is added to the current rate to determine the new base rate. The high volume adjustment (HVA), if applicable, and the Nursing Facility Reimbursement Allowance (NFRA) are not included in the rebased rate or the current rate to determine the total increase but are added to the new base rate, which includes the 1/3 increase, to determine the facility's total reimbursement rate. Facilities receiving the HVA in SFY 2004 will continue to receive the same HVA for SFY 2005. No nursing facilities rates will be reduced.

**Title 13—DEPARTMENT OF SOCIAL SERVICES
Division 70—Division of Medical Services
Chapter 10—Nursing Home Program**

PROPOSED AMENDMENT

13 CSR 70-10.080 Prospective Reimbursement Plan for HIV Nursing Facility Services. The division is amending subsections (3)(E), (3)(N), (4)(PP) and (4)(QQ) and adding section (20).

PURPOSE: This amendment provides for the implementation of Senate Bill No. 1123 which rebases nursing facility rates each fiscal year beginning July 1, 2004.

(3) General Principles.

(E) The Medicaid reimbursement rate shall be the lower of:

[1.] The average private pay charge; /

[2.] 1. The Medicare (Title XVIII) rate, if applicable; or

[3.] 2. The reimbursement rate as determined in accordance with sections (11), (12) and (13) of this rule.

(N) *[The average Medicaid reimbursement rate paid shall not exceed the average private pay rate for the same period covered by the facility's Medicaid cost report. Any amount in excess will be subject to repayment and/or recoupment.]* Rebasing. Effective July 1, 2004, HIV nursing facility rates shall be rebased on an annual basis, as set forth in section (20).

(4) Definitions.

(PP) Rate setting cost report. The *[second full twelve (12)-month fiscal year]* desk audited and/or field audited cost report relating to a facility's rate setting period.

(QQ) Rate setting period. The *[full twelve (12)-month]* period *[in]* for which a facility's prospective rate is determined. The rate setting period shall apply to the annual rebasing of rates as set forth in (3)(N) as well as to facilities who have an interim rate and whose initial prospective rate is being set. For interim rate facilities, the rate setting period is the second full twelve (12)-month cost report following the facility's initial date of Medicaid certification.

(20) Rebasing of HIV Nursing Facility Rates.

(A) Effective July 1, 2004, HIV nursing facility rates shall be rebased on an annual basis. The rebased rates shall be phased in as set forth below in subsection (20)(B). Each HIV nursing facility shall have its prospective rate recalculated using the same principles and methodology as detailed throughout sections (1)–(19) of this regulation, unless otherwise noted in this section (20). The following items have been updated to reflect the rebase:

1. HIV nursing facility rates shall be rebased on an annual basis using the cost report year that is three (3) years prior to the effective date of the rate change. For example, for SFY 2005, the effective date of the rate change is for dates of service beginning July 1, 2004 and the cost report year used to recalculate rates shall be 2001; for SFY 2006, the effective date of the rate change is for dates of service beginning July 1, 2005 and the cost report year used to recalculate rates shall be 2002; etc.

A. A new databank shall be developed from the cost reports for each rebase year in accordance with paragraph (20)(A)1. and subsection (4)(P).

B. The costs in the databank shall be trended using the indices from the most recent publication of the Health-Care Cost Review available to the division using the "CMS Nursing Home without Capital Market Basket" table. The costs shall be trended using the second quarter indices for each year. The costs shall be trended for the years following the cost report year, up to and including the state fiscal year corresponding to the effective date of the rates. For SFY 2005, the trends are from the First Quarter

2004 publication of the Health-Care Cost Review and include the following:

(I) 2002:2 = 3.2%

(II) 2003:2 = 3.4%

(III) 2004:2 = 2.3%

(IV) 2005:2 = 2.3%

(V) The total trend applied to the 2001 cost report data is 11.2%.

C. The medians and ceilings shall be recalculated each year, based upon the trended costs included in the new databank that is developed each year.

D. The costs, beds, days, renovations/major improvements, loans, etc. from each facility's cost report included in the databank shall be used to recalculate each facility's rate. The costs reflected in each facility's cost report shall be trended as detailed above in (20)(A)1.B.

2. The asset value used to determine the capital cost component, as set forth in subsection (11)(D), shall be updated each year based upon the RS Means Building Construction Cost Data for the year coinciding with the effective date of the rates. The asset value is determined by using the median, total cost of construction per bed for nursing homes from the "S.E., C.F. and % of Total Costs" table and adjusting it by the total weighted average index for Missouri cities from the "City Cost Indexes" table. For SFY 2005, the asset value shall be forty-one thousand seven hundred twenty-eight dollars (\$41,728).

3. The age of the beds shall be calculated from the year coinciding with the effective date of the rates.

4. The interest rate used in determining the capital cost component and working capital allowance, as set forth in subsections (7)(F), (11)(D), and (11)(E), shall be updated to reflect the prime rate as reported by the Federal Reserve and published in the *Wall Street Journal* on the first business day of June for the year coinciding with the effective date of the rates plus two percent (2%). For SFY 2005, the interest rate shall be the prime rate of four percent (4%), as published June 1, 2004, plus two percent (2%) for a total of six percent (6%).

5. The rate of return used in determining the capital cost component, as set forth in subsection (11)(D), shall be updated to reflect the interest (i.e., coupon) rate for the most recent issue of thirty (30)-year Treasury Bonds in effect on the first business day of June for the year coinciding with the effective date of the rates plus two percent (2%). For SFY 2005, the rate of return shall be the thirty (30)-year Treasury Bond rate of 5.375%, effective June 1, 2004, plus two percent (2%) for a total of 7.375%.

6. The administration cost component per diem calculation shall not be adjusted for minimum utilization.

7. The capital cost component per diem calculation shall be adjusted for minimum utilization using the Department of Health and Senior Services' (DHSS) Intermediate Care Facility/Skilled Nursing Facility Certificate of Need Quarterly Survey (CON Quarterly Survey) for the most recent quarter available to the division relative to the effective date of the rates. The occupancy data from the CON Quarterly Survey shall be adjusted by the division using total licensed beds rather than available beds as is used by DHSS. For SFY 2005, the minimum utilization percent for the capital component is the adjusted industry average from the October–December 2003 CON Quarterly Survey and shall be seventy-three percent (73%).

8. Since rates are being recalculated each year, rate adjustment requests for replacement beds, additional beds, and/or extraordinary circumstances as set forth in paragraphs (13)(B)1., (13)(B)2. and (13)(B)3. are no longer allowed.

(B) The rebased rates shall be phased in, as set forth below:

1. A preliminary rebased rate shall be calculated using the same principles and methodology as detailed throughout sections (1)–(19) of this regulation and the updated items detailed above in paragraphs (20)(A)1.–8.

2. The total increase resulting from the rebase each year shall be calculated as follows:

A. Each facility's current rate as of June 30 of each year shall be compared to the preliminary rebased rate effective July 1 of the following SFY. For example, for SFY 2005, the facility's rate as of June 30, 2004 shall be compared to the preliminary rebased rate effective July 1, 2004; for SFY 2006, the facility's rate as of June 30, 2005 shall be compared to the preliminary rebased rate effective July 1, 2005; etc.

(I) The NFRA shall not be included in the current rate or the preliminary rebased rate for comparison purposes in determining the total increase.

(II) The current NFRA shall be added to the rate determined below in subparagraph (20)(B)2.B.

B. If the preliminary rebased rate is greater than the current rate, the difference between the two (2) shall represent the total increase that will be phased in by granting one-third (1/3) of the total increase each year. For SFY 2005, one-third (1/3) of the total increase shall be added to the facility's current rate as of June 30, 2004, less the reduction in the nursing facility operations adjustment of fifty-four cents (54¢) effective July 1, 2004 as set forth in (13)(A)5. The current NFRA shall be added to that total and shall be the facility's prospective rate for SFY 2005.

C. If the preliminary rebased rate is less than the current rate, the facility shall continue to receive its current rate including the current NFRA for the SFY.

AUTHORITY: sections 208.153 and 208.201, RSMo 2000. Original rule filed Aug. 1, 1995, effective March 30, 1996. For intervening history, please consult the Code of State Regulations. Emergency amendment filed June 18, 2004, effective July 1, 2004, expires Dec. 15, 2004. Amended: Filed Aug. 16, 2004.

PUBLIC COST: This proposed amendment will cost state agencies or political subdivisions approximately thirty-seven thousand one hundred twenty-one dollars (\$37,121) in SFY 2005.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Department of Social Services, Division of Medical Services, 615 Howerton Court, Jefferson City, MO 65109. To be considered, comments must be received within thirty (30) days after publication in the Missouri Register. If to be hand-delivered, comments must be brought to the Division of Medical Services at 615 Howerton Court, Jefferson City, Missouri. No public hearing is scheduled.

FISCAL NOTE

PUBLIC COST

I. RULE NUMBER

Rule Number and Name	13 CSR 70-10.080 Prospective Reimbursement Plan for HIV Nursing Facility Services
Type of Rulemaking	Proposed Amendment

II. SUMMARY OF FISCAL IMPACT

Affected Agency or Political Subdivision	Estimated Cost of Compliance in the Aggregate
Department of Social Services	\$37,121
Division of Medical Services	

III. WORKSHEET

Medicaid Days – Estimate SFY 2005	5,557
x Average Rate Increase	<u>\$6.68</u>
Total Estimated Impact – SFY 2005	<u>\$37,121</u>

IV. ASSUMPTIONS

Estimated Medicaid Days – SFY 2005:

Actual Medicaid days paid during SFY 2004 were increased by 0.5% to determine estimated days for SFY 2005.

Average Rate Increase:

Senate Bill 1123 provides for the annual rebasing of nursing facility rates using the cost report that is 3 years prior to the effective date of the rate change. For SFY 2005, the rate change is effective for dates of service beginning July 1, 2004 and the 2001 cost reports are used to determine the rebased rates. A new databank is developed from the cost reports for each rebase year and the ceilings are recalculated based upon the new databank. The costs in the databank are trended using the CMS Market Basket index for the years following the cost report year, up to and including the SFY corresponding to the effective date of the rates. For SFY 2005, the total trend applied to the 2001 cost report data is 11.2%.

The costs, beds, days, etc. from each facility's cost report included in the databank are used to recalculate each facility's rate. The capital cost component per diem is updated each year and is adjusted for minimum occupancy based upon the industry average occupancy. For SFY 2005, the minimum utilization percent is the industry average from the October – December 2003 CON Quarterly Survey and is 73%. The administration cost component per diem calculation is not adjusted for minimum utilization.

The initial rebase is to be phased in over a 3-year period by granting 1/3 of the total increase of the rebased rate over the current rate. The 1/3 increase is added to the current rate to determine the new base rate. The high volume adjustment (HVA), if applicable, and the Nursing Facility Reimbursement Allowance (NFRA) are not included in the rebased rate or the current rate to determine the total increase but are added to the new base rate, which includes the 1/3 increase, to determine the facility's total reimbursement rate. Facilities receiving the HVA in SFY 2004 will continue to receive the same HVA for SFY 2005. No nursing facilities rates will be reduced.

Title 15—ELECTED OFFICIALS
Division 30—Secretary of State
Chapter 51—Broker-Dealers, Agents, Investment Advisers, and Investment Adviser Representatives

PROPOSED AMENDMENT

15 CSR 30-51.160 Effectiveness and Post-Effective Requirements. The commissioner is amending section (4).

PURPOSE: The purpose of this amendment is to further bring the rule into compliance with the Missouri Securities Act of 2003.

(4) Withdrawal of Registration.

(A) Broker-Dealers, Investment Advisers and Federal Covered Investment Advisers.

1. Every broker-dealer and investment adviser who desires to withdraw their registration shall file the appropriate Form BDW or ADV-W. Every federal covered adviser who desires to withdraw their notice filing shall file the appropriate ADV-W.

2. Unless a *[revocation or suspension]* proceeding is pending under sections 409.4-412, 409.6-602, 409.6-603 or 409.6-604, RSMo when the application to withdraw is filed, the withdrawal of registration by a broker-dealer or investment adviser shall become effective on the date indicated in the Form BDW or Form ADV-W, but in no event more than sixty (60) days after the filing of the Form BDW or Form ADV-W.

(B) Broker-Dealer Agents and Investment Adviser Representatives.

1. Unless a *[revocation or suspension]* proceeding is pending under sections 409.4-412, 409.6-602, 409.6-603 or 409.6-604, RSMo when the application to withdraw is filed, the withdrawal of registration by an agent or investment adviser representative, pursuant to section 409.4-409, RSMo shall become effective at the earlier of the date a Form U-5 is filed, the date indicated in the Form U-5 or the date of withdrawal of the agent's or investment adviser representative's respective broker-dealer or investment adviser.

AUTHORITY: sections 409.4-406, 409.4-408, 409.4-409, 409.4-411(b) and 409.6-605, RSMo Supp. 2003. Original rule filed June 25, 1968, effective Aug. 1, 1968. For intervening history, please consult the *Code of State Regulations*. Amended: Filed Aug. 10, 2004.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Missouri Secretary of State's Office, Doug Ommen, Commissioner of Securities, 600 West Main Street, Jefferson City, MO 65101. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

Title 19—DEPARTMENT OF HEALTH AND SENIOR SERVICES

Division 30—Division of Health Standards and Licensure
Chapter 86—Residential Care Facilities I and II

PROPOSED AMENDMENT

19 CSR 30-86.022 Fire Safety Standards for New and Existing Residential Care Facilities I and II. The department is amending sections (1)-(6), (8), (9) and (10), and renumbering as necessary.

PURPOSE: This amendment establishes standards and adds specific requirements for those facilities choosing to use the concept of area of refuge as a staging area during egress out of the facility during a fire. This amendment adds the concept of area of refuge and specific evacuation planning requirements, communication requirements, exit door lock requirements and staff training requirements to ensure the safety of residents using an area of refuge as a staging area during egress out of the facility.

(1) Definitions. For the purpose of this rule, the following definition shall apply:

(A) **Area of refuge**—A space located in a path of travel leading to a public way that is protected from the effects of fire, either by means of separation from other spaces in the same building or by virtue of location, thereby permitting a delay in egress travel from any level. An area of refuge has a temporary use during egress. It generally serves as a staging area that provides relative safety to its occupants while potential emergencies are assessed, decisions are made, and mitigating activities are begun. Taking refuge within such an area is, thus, a stage of the total egress process; a stage between egress from the immediately threatened area and egress to a public way.

/(1) (2) General Requirements.

(A) All National Fire Protection Association (NFPA) codes and standards cited in this rule are incorporated by reference in this rule with regard to the minimum fire safety standards for residential care facilities I and II.

(B) For the purpose of this rule, fire-resistant construction is defined as that type of construction in which bearing walls, columns and floors are of noncombustible material and all bearing walls, floors and roofs shall have a minimum of a one (1)-hour fire-resistant rating.

(C) All licensed facilities shall meet and maintain the facility in accordance with the fire safety standards in effect at the time of initial licensing, unless there is a specific requirement cited in this rule. I/II

(D) All facilities shall notify the *[Division of Aging] Department of Health and Senior Services* hereinafter the **department** immediately if there is a fire involving death or harm to a resident requiring medical attention by a physician or substantial damage to the facility. The *[division] department* shall be notified in writing within seven (7) days in case of any other fire, regardless of the size of the fire or the loss involved. II/III

(E) The *[Division of Aging] department* shall have the right of inspection of any portion of a building in which a licensed facility is located unless the unlicensed portion is separated by two (2)-hour fire-resistant construction or the building is equipped with a complete sprinkler in accordance with NFPA 13 or NFPA 13R and the unlicensed portion is separated by one (1)-hour fire-resistant construction. No section of the building shall present a fire hazard. I/II

(F) The facility shall maintain the exterior premises in a manner as to provide for fire safety. II

(G) When the facility accepts residents who are deaf, residential care facilities I with an asleep night attendant shall have appropriate assistive devices to enable each deaf person to negotiate a path to safety, including, but not limited to, visual or tactile alarm systems. I/II

/(2) (3) Fire Extinguishers.

(A) Fire extinguishers shall be provided at a minimum of one (1) per floor, so that there is no more than one hundred feet (100') travel distance from any point on that floor to an extinguisher. I/II

(B) All new or replacement portable fire extinguishers shall be ABC-type extinguishers, in accordance with the provisions of the 1994 National Fire Protection Association (NFPA) 10, *Standard for Portable Fire Extinguishers*. II

(C) Fire extinguishers shall have a rating of at least:

1. Ten (10) pounds, or the equivalent, in or within fifteen feet (15') of hazardous areas as defined in 13 CSR 15-11; and
2. Five (5) pounds or the equivalent in other areas. II

(D) Every fire extinguisher shall bear the label of the Underwriters' Laboratories (UL) or the Factory Mutual (FM) Laboratories and the extinguisher, its installation, maintenance and use shall comply with the provisions of the 1994 edition of the NFPA 10. This includes the documentation and dating of a monthly pressure check. II/III

/(3) (4) Range Hood Extinguishing Systems.

(A) In facilities licensed on or before July 11, 1980, or in any facility with fewer than twenty-one (21) beds, the kitchen shall provide either:

1. An approved automatic range hood extinguishing system properly installed and maintained in accordance with the 1994 NFPA 96, *Standard on Ventilation Control and Fire Protection of Commercial Cooking Operations*; or

2. A portable fire extinguisher of at least ten (10) pounds, or the equivalent, in the kitchen area in accordance with the 1994 NFPA 10. II/III

(B) In licensed facilities with a total of twenty-one (21) or more licensed beds and whose application was filed after July 11, 1980 and prior to October 1, 2000:

1. The kitchen shall be provided with a range hood and an approved automatic range hood extinguishing system;

2. The range hood extinguishing system shall have the capacity of being manually operated, unless there is an approved sprinkler system; and

3. The extinguishing system shall be installed and maintained in accordance with the applicable edition of NFPA 96. II/III

(C) Facilities licensed on or after October 1, 2000, shall not be required to install and maintain range hood extinguishing systems since facilities shall be required to have complete sprinkler systems; however, if facilities have range hood extinguishing systems, they shall comply with the provisions of the 1994 NFPA 96. II/III

(D) The range hood and its extinguishing system shall be inspected and certified at least annually. II/III

/(4) (5) Fire Drills.

(A) All facilities shall develop a written plan for fire drills and evacuation and shall request consultation and assistance annually from a local fire unit. II/III

(B) The plan shall include, as a minimum, written instructions for evacuation of each floor **including** evacuation to areas of refuge, if applicable, and floor plan *[indicating]* showing the location of exits, fire alarm pull stations *[and]*, fire extinguishers and any areas of refuge. II/III

(C) The evacuation plan for facilities with areas of refuge shall also include plans for evacuating residents from the area of refuge to a point of safety outside the building, if necessary. II/III

/(C) (D) The written plan shall show the location of any additional water sources on the property such as cisterns, wells, lagoons, ponds or creeks. II/III

/(D) (E) The evacuation plan shall include procedures for the safety and comfort of residents evacuated */.//. including:*

1. Staffing assignments;

2. Whom staff are to call including but not limited to fire department or other outside emergency services, alternative resource(s) for housing residents if necessary, administrative staff; and

3. Which staff member is charged with accounting for residents' whereabouts. II/III

/(E) (F) The written plan and evacuation diagram shall be posted on each floor in a conspicuous place so that employees and residents can become familiar with the plan and routes to safety. II/III

/(F) (G) A minimum of twelve (12) fire drills shall be conducted annually with at least one (1) every three (3) months on each shift. The fire drills shall include a resident evacuation at least once a year. II/III

/(G) (H) The staff shall be trained on how to proceed in the event of a fire. The training shall include:

1. */Who to call/ All components of evacuation plan;*
2. How to properly evacuate injured residents;
3. Which residents may need to be awakened or may need special assistance; and

4. How to operate fire-extinguishing equipment. II/III

/(H) (I) The facility shall keep a record of all fire drills. The record shall include the time, date, personnel participating, length of time to complete the fire drill, and a narrative notation of any special problems. III

/(5) (6) Exits, Stairways and Fire Escapes.

(A) Each floor of a facility shall have at least two (2) unobstructed exits remote from each other.

1. For a facility whose plans were approved on or before December 31, 1987, or a facility licensed for twenty (20) or fewer residents, one (1) of the required exits from a multi-story facility shall be an outside stairway or an enclosed stairway that is separated by one (1)-hour rated construction from each floor with an exit leading directly to the outside at grade level. Existing plaster or gypsum board of at least one-half inch (1/2") thickness may be considered equivalent to one (1)-hour rated construction. The other required exit may be an interior stairway leading through corridors or passageways to outside or to a two (2)-hour rated horizontal exit as defined by paragraph 3.3.61 of the 2000 edition NFPA 101. Neither of the required exits shall lead through a furnace or boiler room. Neither of the required exits shall be through a resident's bedroom, unless the bedroom door cannot be locked.

2. For a facility whose plans were approved after December 31, 1987, for more than twenty (20) residents, the required exits shall be doors leading directly outside, one (1)-hour enclosed stairs or outside stairs or a two (2)-hour rated horizontal exit as defined by paragraph 3.3.61 of the 2000 edition NFPA 101. The one (1)-hour enclosed stairs shall exit directly outside at grade. Access to these shall not be through a resident bedroom or a hazardous area. I/II

3. Only one (1) of the required exits may be a two (2)-hour rated horizontal exit.

(B) In facilities with plans approved after December 31, 1987, doors to resident use rooms shall not be more than one hundred feet (100') from an exit. In facilities equipped with a complete sprinkler system in accordance with NFPA 13 or NFPA 13R, the exit distance may be increased to one hundred fifty feet (150'). Dead-end corridors shall not exceed thirty feet (30') in length. II

(C) Floors housing residents who require the use of a walker, wheelchair or other assistive devices or aids, or who are blind, must have two (2) accessible exits to grade or such residents must be housed near accessible exits as specified in 19 CSR 30-86.042(36). Facilities equipped with a complete sprinkler system, in accordance with the 1996 edition of NFPA 13 or NFPA 13R with sprinklered attics, and smoke partitions, as defined by subsection (9)(I) of this rule, may house such residents on floors that do not have accessible exits to grade if each required exit is equipped with an area of refuge as defined and described in subsections (1)(A) and (6)(D) of this rule. I/II

(D) An "area of refuge" shall have:

1. An area separated by one (1)-hour rated smoke walls, from the remainder of the building. This area must have direct access to the exit stairway or access the stair through a section of the corridor that is separated by smoke walls from the remainder of the building. This area may include no more than two (2) resident rooms;

2. A two (2)-way communication or intercom system with both visible and audible signals between the area of refuge and

the bottom landing of the exit stairway, attendants' work area, or other primary location as designated in the written plan for fire drills and evacuation;

3. Instructions on the use of the area during emergency conditions that are located in the area of refuge and conspicuously posted adjoining the communication or intercom system;

4. A sign at the entrance to the room that states "AREA OF REFUGE IN CASE OF FIRE" and displays the international symbol of accessibility;

5. An entry or exit door that is at least a one and three-fourths inches (1 3/4") solid core wood door or has a fire protection rating of not less than twenty (20) minutes with smoke seals and positive latching hardware. These doors shall not be lockable;

6. A sign conspicuously posted at the bottom of the exit stairway with a diagram showing each location of the areas of refuge;

7. Emergency lighting for the area of refuge; and

8. The total area of the areas of refuge on a floor shall equal at least twenty (20) square feet for each resident who is blind or requires the use of wheelchair or walker housed on the floor. II

I(C)J (E) If it is necessary to lock exit doors, the locks shall not require the use of a key, tool, special knowledge or effort to unlock the door from inside the building. Only one (1) lock shall be permitted on each door. **Delayed egress locks complying with section 7.2.1.6.1 of the 2000 edition NFPA 101 shall be permitted, provided that not more than one (1) such device is located in any egress path.** Self-locking exit doors shall be equipped with a hold-open device to permit staff to reenter the building during the evacuation. I/II

I(D)J (F) If it is necessary to lock resident room doors, the locks shall not require the use of a key, tool, special knowledge or effort to unlock the door from inside the room. Only one (1) lock shall be permitted on each door. Every resident room door shall be designed to allow the door to be opened from the outside during an emergency when locked. The facility shall ensure that facility staff have the means or mechanisms necessary to open resident room doors in case of an emergency. I/II

I(E)J (G) All stairways and corridors shall be easily negotiable and shall be maintained free of obstructions. II

I(F)J (H) Outside stairways shall be constructed to support residents during evacuation and shall be continuous to the ground level. Outside stairways shall not be equipped with a counter-balanced device. They shall be protected from or cleared of ice or snow. II/III

I(G)J (I) Facilities with three (3) or more floors shall comply with the provisions of Chapter 320, RSMo which requires outside stairways to be constructed of iron or steel. II

I(H)J (J) Fire escapes constructed on or after November 13, 1980, whether interior or exterior, shall be thirty-six inches (36") wide, shall have eight-inch (8") maximum risers, nine-inch (9") minimum tread, no winders, maximum height between landings of twelve feet (12'), minimum dimensions of landings of forty-four inches (44"), landings at each exit door, handrails on both sides and be of sturdy construction, using at least two-inch (2") lumber. Exit doors to these fire escapes shall be at least thirty-six inches (36") wide and the door shall swing outward. II/III

I(I)J (K) If a ramp is required to meet residents' needs under /13 CSR 15-15.042/ 19 CSR 30-86.042, the ramp shall have a maximum slope of one to twelve (1:12) leading to grade. II/III

I(6)J (7) Exit Signs.

(A) Signs bearing the word EXIT in plain, legible letters shall be placed at each required exit, except at doors directly from rooms to exit passageways or corridors. Letters of all exit signs shall be at least six inches (6") high and three-fourths of an inch (3/4") wide, except that letters of internally illuminated exit signs shall not be less than four and one-half inches (4 1/2") high. II

(B) Directional indicators showing the direction of travel shall be placed in corridors, passageways or other locations where the direction of travel to reach the nearest exit is not apparent. II/III

(C) All required exit signs and directional indicators shall be positioned so that they are illuminated by both normal and emergency lighting. II/III

I(7)J (8) Fire Alarm Systems.

(A) All facilities shall have inspections and written certifications of the fire alarm system completed by an approved qualified service representative in accordance with the 1996 NFPA 72, *National Fire Alarm Code*, at least annually. II/III

(B) All residential care facilities I licensed for more than twenty (20) residents shall be equipped with a complete fire alarm system in accordance with the applicable edition of NFPA 72. I/II

(C) All residential care facilities II shall be equipped with a complete fire alarm system in accordance with the applicable edition of NFPA 72. I/II

(D) All residential care facilities with more than one (1) structure on the premises housing residents shall be equipped with a complete fire alarm system in accordance with the applicable edition of NFPA 72. I/II

(E) A complete fire alarm system will not be required for facilities licensed prior to July 11, 1980, if the facility has a sprinkler system installed and maintained in accordance with the 1976 NFPA 13, *Standard for the Installation of Sprinkler Systems*. I/II

(F) Residential care facilities I licensed for twenty (20) or fewer residents shall be equipped with a complete automatic fire alarm system or individual home-type detectors. The individual home-type detectors shall be UL-approved battery-powered detectors which sense smoke and automatically sound an alarm which can be heard throughout the facility. If individual home-type detectors are being used, there shall be one (1) detector per resident-use room, in corridors and stairwells and in any hazardous area other than the kitchen where either a smoke or heat detector may be used. I/II

(G) The fire alarm system shall be an electrically supervised system with standby emergency power installed and maintained in accordance with the 1996 NFPA 72. Those facilities with plans approved prior to October 1, 2000, shall comply with the provision of the 1975 edition of NFPA 72A, *Local Protective Signaling Systems*. Those facilities with plans approved on or after October 1, 2000, shall comply with the 1996 edition of NFPA 72. I/II

(H) As a minimum, the fire alarm system shall consist of a manual pull station at or near each attendant's station and each required exit, smoke detectors located no more than thirty feet (30') apart in the corridors or passageways with no point in the corridor or passageway more than fifteen feet (15') from a detector and no point in the building more than thirty feet (30') from a detector. In residential care facilities licensed prior to November 13, 1980, smoke detectors located every fifty feet (50') will be acceptable. The smoke detectors will not be required in facilities licensed prior to November 13, 1980, if a complete heat detector system, interconnected to the fire alarm system, is provided in every space throughout the facility. It must include audible signal(s) which can be heard throughout the building and a main panel that interconnects all alarm-activating devices and audible signals. I/II

(I) Every fire alarm system shall be tested at least once a month, and a record of all tests shall be maintained. II/III

(J) Any fault with any part of the fire alarm system shall be corrected immediately upon discovery. I/II

(K) When a fire alarm system is to be out of service for more than four (4) hours in a twenty-four (24)-hour period, the facility shall immediately notify the *[Division of Aging] department* and implement an approved fire watch until the fire alarm system has been returned to full service. I/II

(L) Detectors shall be tested monthly and batteries shall be changed as needed. A record shall be kept of the dates of testing and the changing of batteries. II/III

(M) Any fault with any detector shall be corrected immediately upon discovery. I/II

(/8)) (9) Protection from Hazards.

(A) In residential care facilities I and II licensed on or after November 13, 1980, for more than twelve (12) residents, hazardous areas shall be separated by construction of at least a one (1)-hour fire-resistant rating. In facilities equipped with a complete automatic fire alarm system, not individual residential-type detectors, the one (1)-hour fire separation is required only for furnace or boiler rooms. Hazardous areas equipped with a complete sprinkler system are not required to have this one (1)-hour fire separation. Doors to hazardous areas shall be self-closing and shall be kept closed unless an electromagnetic hold-open device is used which is interconnected with the fire alarm system. II

(B) The storage of unnecessary combustible materials in any part of a building in which a licensed facility is located is prohibited. I/II

(C) Space under stairways shall not be used for storage of combustible materials unless the space is separated by one (1)-hour rated construction and sprinklered. II/III

(D) Electric or gas clothes dryers shall be vented to the outside. Lint traps shall be cleaned regularly to protect against fire hazard. II/III

(E) In residential care facilities II licensed on or after November 13, 1980, each floor shall be separated by construction of at least a one (1)-hour fire-resistant rating. Buildings equipped with a complete sprinkler system may have a nonrated smoke separation barrier between floors. Doors between floors must be a minimum of one and three-fourths inches (1 3/4") thick and be solid core wood doors or metal doors with an equivalent fire rating. II

(F) In residential care facilities I and II licensed prior to November 13, 1980, and multi-storied residential care facilities I licensed on or after November 13, 1980, there shall be a smoke separation barrier between the floors of resident-use areas and any floor below the resident-use area. This shall consist of a solid core wood door or metal door with an equivalent fire rating at the top or the bottom of the stairs. There shall not be a transom above the door that would permit the passage of smoke. II

(G) Atriums open between floors will be permitted if resident room corridors are separated from the atrium by one (1)-hour rated smoke walls. These corridors must have access to at least one (1) of the required exits without traversing any space opened to the atrium. II

(H) All doors providing separation between floors shall have a self-closing device attached. If the doors are to be held open, electromagnetic hold-open devices shall be used that are interconnected with either an individual smoke detector, a sprinkler system or a complete fire alarm system. II

(I) In facilities whose plans are approved or which are initially licensed after December 31, 1987, for more than twenty (20) residents, each floor used for resident bedrooms shall be divided into at least two (2) smoke sections by one (1)-hour rated smoke stop partitions. No smoke section shall exceed one hundred fifty feet (150') in length. If, however, neither the length nor width of a floor exceeds seventy-five feet (75'), no smoke stop partitions are required. Openings in smoke stop partitions shall be protected by solid core doors equipped with closers and magnetic hold-open devices. Any duct passing through this smoke wall shall be equipped with automatic resetting smoke dampers that are activated by the fire alarm systems. **Smoke dampers are not required where both smoke sections are protected by Quick Response Sprinklers.** Smoke partitions shall extend from outside wall-to-outside wall and from floor-to-floor or floor-to-roof deck. II

(J) Facilities whose plans are approved or which are initially licensed after December 31, 1987, for more than twenty (20) residents and which are unsprinklered shall have one (1)-hour rated corridor walls with one and three-quarters inch (1 3/4") solid core wood doors or metal doors with an equivalent fire rating. II

(K) If two (2) or more levels of long-term care or two (2) different businesses are located in the same building, the entire building shall meet either the most strict construction and fire safety standards for the combined facility or the facilities shall be separated from the other(s) by two (2)-hour fire-resistant construction. **In buildings equipped with a complete sprinkler system in accordance with NFPA 13 or NFPA 13R, this separation may be rated at one (1) hour. II**

(/9)) (10) Sprinkler Systems.

(A) All residential care facilities II that are not of fire-resistant construction which house any residents above the second floor shall be provided throughout with an automatic sprinkler system installed and maintained according to the applicable edition of the NFPA 13, *Standard for the Installation of Sprinkler Systems*. I/II

(B) Residential care facilities I that are not of fire-resistant construction and which house residents above the third floor shall be provided throughout with an automatic sprinkler system installed and maintained according to the applicable edition of the NFPA 13 or NFPA 13D, *Standard for the Installation of Sprinkler Systems in One- and Two-Story Dwellings and Manufactured Homes*. I/II

(C) Facilities whose plans are approved or which are initially licensed after December 31, 1987, for more than twenty (20) residents shall be completely sprinklered if they are not of fire-resistant construction and if they are over one (1) story in height. One (1) story facilities shall be completely sprinklered unless all combustible structural members are provided with one (1)-hour fire-rated protection. One-half inch (1/2") gypsum board or plaster is considered equivalent to one (1)-hour protection. The sprinkler system shall comply with the applicable edition of either NFPA 13 or NFPA 13R, *Standard for the Installation of Sprinkler Systems in Residential Occupancies Up to and Including Four Stories in Height*. I/II

(D) All residential care facilities I and II initially licensed or with plans approved on or after October 1, 2000, shall have complete sprinkler systems installed and maintained in accordance with the 1996 edition of NFPA 13 or NFPA 13R. In areas where public water supplies are not available, a private water supply meeting the requirements of the 1994 edition of NFPA 13D, *Standard for the Installation of Sprinkler Systems in One- and Two-Family Dwellings and Manufactured Homes*, will be acceptable. I/II

(E) All facilities shall have inspections and written certifications of the sprinkler system completed by an approved qualified service representative in accordance with the 1998 NFPA 25, *Standard for the Inspection, Testing, and Maintenance of Water-Based Fire Protection Systems*. The inspections shall be in accordance with the provisions of NFPA 25, with certification at least annually by a qualified service representative. II/III

(F) When a sprinkler system is to be out of service for more than four (4) hours in a twenty-four (24)-hour period, the facility shall immediately notify the */Division of Aging/ department* and implement an approved fire watch until the sprinkler system has been returned to full service. II/II

(/10)) (11) Emergency Lighting.

(A) Emergency lighting of sufficient intensity shall be provided for exits, stairs, resident corridors and attendants' station. II

(B) The lighting shall be supplied by an emergency service, an automatic emergency generator or battery operated lighting system. This emergency lighting system shall be equipped with an automatic transfer switch. II

(C) If battery powered lights are used, they shall be capable of operating the light for at least one and one-half (1 1/2) hours. II

(/11)) (12) Interior Finish and Furnishings.

(A) In a facility licensed on or after November 13, 1980, for more than twelve (12) residents, wall and ceiling surfaces of all occupied rooms and all exitways shall be of a material or so treated as not to have a flame-spread classification of more than seventy-five (75)

according to the method of the *Fire Hazard Classification of Building Materials of Underwriters Laboratories, Inc.* II

(B) In facilities licensed prior to November 13, 1980, all wall and ceiling surfaces shall be smooth and free of highly combustible materials. II

(C) In a facility licensed on or after November 13, 1980, for more than twelve (12) residents, the new or replacement floor covering and carpeting shall be Class I in nonsprinklered buildings and Class II in sprinklered buildings. Class I has a critical radiant flux of zero point forty-five (0.45) or more watts per square centimeter when tested according to NFPA 253, *Standard Method of Test for Critical Radiant Flux of Floor Covering Systems Using a Radiant Heat Energy Source*. Class II has a critical radiant flux of zero point twenty-two (0.22) or more watts per square centimeter when tested according to NFPA 253. II/III

(D) All new or replacement curtains and drapes in a licensed facility shall be certified or treated to be flame-resistant. II

/(12)/ (13) Smoking.

(A) Smoking shall not be permitted in sleeping quarters except at that time as direct supervision is provided. Areas where smoking is permitted shall be designated as such and shall be supervised either directly or by a resident informing an employee of the facility that the area is being used for smoking. II/III

(B) Ashtrays shall be made of noncombustible material and safe design and shall be provided in all areas where smoking is permitted. II/III

(C) The contents of ashtrays shall be disposed of properly in receptacles made of noncombustible material. II/III

/(13)/ (14) Trash and Rubbish Disposal.

(A) Only metal or UL- or FM-fire-resistant rated wastebaskets shall be used for trash. II

(B) Trash shall be removed from the premises as often as necessary to prevent fire hazards and public health nuisance. II

(C) No trash shall be burned within fifty feet (50') of any facility except in an approved incinerator. I/II

(D) Trash may be burned only in a masonry or metal container. II

(E) The container shall be equipped with a metal cover with openings no larger than one-half inch (1/2") in size. III

AUTHORITY: section 198.076, RSMo [1994] 2000. This rule originally filed as 13 CSR 15-15.022. Original rule filed July 13, 1983, effective Oct. 13, 1983. For intervening history, please consult the *Code of State Regulations*. Amended: Filed Aug. 16, 2004.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: For existing Residential Care Facilities, the expense to add hold-open devices to self-locking doors is estimated to be a one-time cost of nineteen thousand two hundred thirty dollars (\$19,230) for Fiscal Year 2005. It is projected that an average of ten (10) new Residential Care Facilities per year will be built for the foreseeable future. The projected cost for three (3) hold-open devices per facility is thirty dollars (\$30) per facility totaling three hundred dollars (\$300) for Fiscal Year 2005 plus a three percent (3%) inflationary factor for each year thereafter.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with David S. Durbin, J.D., M.P.A. Deputy Department Director Senior Services and Regulation, Department of Health and Senior Services, PO Box 570, Jefferson City, MO 65102-0570. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

**FISCAL NOTE
PRIVATE COST**

I. RULE NUMBER

Rule Number and Name:	19 CSR 30-86.022 Fire Safety Standards for New and Existing Residential Care Facilities I and II
Type of Rulemaking	Proposed Amendment

II. SUMMARY OF FISCAL IMPACT

Estimate of the number of entities by class which would likely be affected by the adoption of the proposed rule:	Classification by types of the business entities which would likely be affected:	Estimate in the aggregate as to the cost of compliance with the rule by the affected entities:
641	Existing Residential Care Facilities I and II	FY-05 \$19,230.00
10	New Residential Care Facilities I and II	FY-06 \$309.00. Add 3% annually for inflationary costs for the life of the rule

III. WORKSHEET

• Existing Residential Care (RCF) Facilities and facilities built in FY05.

641 RCF facilities with an average of 3 self-locking doors at \$10.00 per hold open device installed = \$19,230.00 for FY-05.

• New Construction RCF facilities

An average of 10 new facilities per year with an average of 3 self-locking doors at \$10.00 per hold open device installed = \$300.00 per annum plus 3 per cent for inflation per annum. Thus \$300.00 times .03 equals \$9.00 inflation over FY-05, plus the holds for 10 new facilities = \$309.00 total costs for FY-06.

IV. ASSUMPTIONS

1. A simple hold open device such as a kick stand costs about \$10.00 to purchase and install.
2. Each RCF facility has an average of 3 self-locking doors per facility.
3. It is estimated from Missouri Certificate of Need Program data that an average of ten (10) new RCF's will be constructed each year for the foreseeable future.
4. In determining the aggregate private cost over the life of the rule add 3 per cent each year to adjust for inflation.
5. DHSS staff have performed a takings analysis in accordance with Section 536.017 and determined that no taking of real property will occur as a result of this amended rule.
6. Any other costs not identified within this fiscal note are unforeseeable and unquantifiable.

Title 20—DEPARTMENT OF INSURANCE
Division 10—General Administration
Chapter 1—Organization

PROPOSED AMENDMENT

20 CSR 10-1.020 Interpretation of Referenced or Adopted Material. The department is amending section (1) of this rule.

PURPOSE: This amendment incorporates by reference more recent editions of certain publications.

(1) The versions of the following materials published on or before June 30, /2003/ 2004, are incorporated by reference in the rules of the Department of Insurance under this title:

AUTHORITY: section 374.045, RSMo 2000. Original rule filed Nov. 24, 1992, effective Aug. 9, 1993. For intervening history, please consult the Code of State Regulations. Amended: Filed Aug. 11, 2004.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: A public hearing will be held on this proposed amendment at 10:00 a.m. on October 19, 2004. The public hearing will be held at the Harry S Truman State Office Building, 301 West High Street, Room 530, Jefferson City, Missouri. Opportunities to be heard at the hearing shall be afforded to any interested person. Interested persons, whether or not heard, may submit a written statement in support of or in opposition to the proposed amendment, until 5:00 p.m. on October 19, 2004. Written statements shall be sent to Stephen R. Gleason, Department of Insurance, PO Box 690, Jefferson City, MO 65102.

SPECIAL NEEDS: If you have any special needs addressed by the Americans With Disabilities Act, please notify us at (573) 751-6798 or (573) 751-2619 at least five (5) working days prior to the hearing.

This section will contain the final text of the rules proposed by agencies. The order of rulemaking is required to contain a citation to the legal authority upon which the order of rulemaking is based; reference to the date and page or pages where the notice of proposed rulemaking was published in the *Missouri Register*; an explanation of any change between the text of the rule as contained in the notice of proposed rulemaking and the text of the rule as finally adopted, together with the reason for any such change; and the full text of any section or subsection of the rule as adopted which has been changed from that contained in the notice of proposed rulemaking. The effective date of the rule shall be not less than thirty (30) days after the date of publication of the revision to the *Code of State Regulations*.

The agency is also required to make a brief summary of the general nature and extent of comments submitted in support of or opposition to the proposed rule and a concise summary of the testimony presented at the hearing, if any, held in connection with the rulemaking, together with a concise summary of the agency's findings with respect to the merits of any such testimony or comments which are opposed in whole or in part to the proposed rule. The ninety (90)-day period during which an agency shall file its Order of Rulemaking for publication in the *Missouri Register* begins either: 1) after the hearing on the Proposed Rulemaking is held; or 2) at the end of the time for submission of comments to the agency. During this period, the agency shall file with the secretary of state the order of rulemaking, either putting the proposed rule into effect, with or without further changes, or withdrawing the proposed rule.

Title 2—DEPARTMENT OF AGRICULTURE Division 30—Animal Health

Chapter 2—Health Requirements for Movement of Livestock, Poultry and Exotic Animals

ORDER OF RULEMAKING

By the authority vested in the director of agriculture under section 267.645, RSMo 2000, the director amends a rule as follows:

2 CSR 30-2.020 Movement of Livestock, Poultry and Exotic Animals Within Missouri is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on April 15, 2004 (29 MoReg 584–585). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

Title 2—DEPARTMENT OF AGRICULTURE Division 30—Animal Health

Chapter 2—Health Requirements for Movement of Livestock, Poultry and Exotic Animals

ORDER OF RULEMAKING

By the authority vested in the director of agriculture under section 267.645, RSMo 2000, the director amends a rule as follows:

2 CSR 30-2.040 is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on April 15, 2004 (29 MoReg 585–586). Those sections with changes are reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received from the public. However, review by staff recommended the removal of proposed subparagraph (2)(B)3.B., requiring an entry permit for cattle entering Missouri for exhibition from a modified accredited state or area. Removal of this section would make exhibition regulations consistent with regulations for cattle entering Missouri.

RESPONSE AND EXPLANATION OF CHANGE: Review of current regulations indicates that permits are not required for cattle entering Missouri. Therefore, to be consistent, the division will remove the proposed subparagraph.

2 CSR 30-2.040 Animal Health Requirements for Exhibition

(2) Exhibition Requirements for Cattle in Missouri.

(B) Interstate (cattle from another state moving into Missouri for the purpose of exhibition only).

1. A health certificate is required.

2. Brucellosis.

A. Cattle from brucellosis-free states.

(I) All cattle may enter without a brucellosis test.

(II) Steers. No tests required but the steer(s) must be listed and identified on a health certificate.

B. Cattle from brucellosis Class A states. All breeding cattle eighteen (18) months of age and over must be tested and negative within ninety (90) days prior to entry except—

(I) Cattle from a certified brucellosis-free herd. The certified herd number and the date of the last herd test must be shown on the health certificate; and

(II) Steers. No tests required but the steer(s) must be listed and identified on a health certificate.

C. Cattle from brucellosis Class B and C states or areas are not eligible to exhibit in Missouri.

3. Tuberculosis. Tuberculosis tests are not required on cattle entering and moving in Missouri for exhibition except—

A. Cattle originating from a modified accredited state or area are required to have a negative test within sixty (60) days prior to entry.

4. Scabies (mange). Cattle originating in scabies-quarantined areas or herds are not eligible to exhibit.

Title 2—DEPARTMENT OF AGRICULTURE

Division 30—Animal Health

Chapter 3—Brucellosis

ORDER OF RULEMAKING

By the authority vested in the director of agriculture under section 267.645, RSMo 2000, the director amends a rule as follows:

2 CSR 30-3.020 Brucellosis Quarantine Requirements on Cattle is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on April 15, 2004 (29 MoReg 586). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

Title 2—DEPARTMENT OF AGRICULTURE
Division 30—Animal Health
Chapter 6—Livestock Markets

ORDER OF RULEMAKING

By the authority vested in the state veterinarian under section 277.160, RSMo 2000, the state veterinarian amends a rule as follows:

2 CSR 30-6.020 Duties and Facilities of the Market/Sale Veterinarian is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on April 15, 2004 (29 MoReg 586–589). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

Title 4—DEPARTMENT OF ECONOMIC DEVELOPMENT
Division 40—Office of Athletics
Chapter 2—Licenses and Permits

ORDER OF RULEMAKING

By the authority vested in the Office of Athletics under sections 317.006 and 317.011.1, RSMo 2000, the office amends a rule as follows:

4 CSR 40-2.021 Permits is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on July 15, 2004 (29 MoReg 1093). No changes have been made to the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

Title 4—DEPARTMENT OF ECONOMIC DEVELOPMENT
Division 40—Office of Athletics
Chapter 5—Inspector Duties and Rules for Professional Boxing, Professional Wrestling, Professional Kickboxing and Professional Full-Contact Karate

ORDER OF RULEMAKING

By the authority vested in the Office of Athletics under sections 317.006 and 317.015, RSMo 2000, the office amends a rule as follows:

4 CSR 40-5.030 is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on July 15, 2004 (29 MoReg 1093–1096). Those sections with changes are reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: Three (3) comments were received by the division.

COMMENT: The commenter expressed concern regarding the loosening of requirements for lacerations thus increasing the possibility of blood spills and human immunodeficiency virus (HIV) exposure.
 RESPONSE AND EXPLANATION OF CHANGE: The division concurred and addressed the concern in sections (3), (4) and subsection (16)(C).

COMMENT: The commenter expressed concern regarding the use of foreign objects in the ring, which would possibly appear to be allowing Tough Man competitions although those competitions were outlawed in the state of Missouri in 1996.

RESPONSE AND EXPLANATION OF CHANGE: The division concurred and made changes to subsection (16)(C) in order to address the concern.

COMMENT: The commenter expressed concern regarding section (7) stating that it was possibly too vague for women wrestlers.

RESPONSE AND EXPLANATION OF CHANGE: The division agreed and made changes to section (7).

4 CSR 40-5.030 Rules for Professional Wrestling

(3) Any wrestler applying for a license or renewal first must be examined by a physician licensed with the designation of “medical doctor” or “doctor of osteopathy” to establish physical fitness. The office may order the examination of any wrestler at any time to determine whether the wrestler is fit and qualified to engage in further contests. The professional wrestler must successfully complete an annual physical examination by a physician of the wrestler’s choice within thirty (30) days of application for initial licensure and within thirty (30) days of application for license renewal, the office may increase the thirty (30)-day limit under special circumstances approved by the office. A wrestler who has applied for a license to engage in professional wrestling, or a wrestler who has applied for renewal of his/her license must:

(A) Provide with his/her application an original or certified copy of the results of the following medical tests performed by a certified laboratory no earlier than one hundred eighty (180) days before the application is submitted, which shall:

1. Verify that the contestant is not infected with the human immunodeficiency virus (HIV); and
2. Verify that the contestant is not infected with the hepatitis B or C virus. The office may require a wrestler to submit to additional medical testing as deemed necessary.

(4) The office may require:

(A) A contestant to undergo a drug test. All fees involved with drug tests are the responsibility of the promoter or contestant. A positive reading may result in the suspension or discipline of a license.

(B) The promoter to have a licensed “medical doctor” or “doctor of osteopathy” and/or ambulance present at the contest, as deemed necessary.

(7) Wrestler’s Equipment.

(E) A female wrestler must wear trunks and a top.

(F) The inspector present at the event may disallow the use of inappropriate attire or disqualify a wrestling participant for the lack of appropriate attire.

(16) Prohibited Activities.

(C) No wrestling contestant shall use a foreign object(s) or prop(s) with the deliberate intent to lacerate himself or herself, or one’s opponent. No animal blood or human blood, other than that of the wrestling contestants that is incidentally introduced during a match, may be used as a prop or special effect in any wrestling match. Vials, capsules or any vessel containing a gel substance appearing to be or simulating blood may be used as a prop or special effect during a wrestling contest so long as the container cannot cause lacerations upon breakage. The intent to use a foreign object(s) or prop(s)

during a wrestling match must be disclosed to the office prior to any wrestling contest and shall be subject to the approval of the inspector present at the event. This shall include any vial, capsule or container holding a gel substance that is meant to simulate blood.

**Title 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT**
Division 240—Public Service Commission
**Chapter 13—Service and Billing Practices for Residential
Customers of Electric, Gas and Water Utilities**

ORDER OF RULEMAKING

By the authority vested in the Public Service Commission (commission or PSC) under sections 386.250 and 393.140, RSMo 2000, the commission amends a rule as follows:

4 CSR 240-13.055 is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on May 17, 2004 (29 MoReg 786-790). Those sections with changes are reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: A public hearing on this proposed amendment was held on July 9, 2004, and the public comment period ended June 17, 2004. At the public hearing, Warren Wood, Manager of the Energy Department of the Commission, explained the creation of the Commission's Task Force that participated in amending the existing Cold Weather Rule (CWR). Warren Wood further went on to state that the Commission's Staff (Staff) fully supported the recommended changes to the proposed amendment filed by the Task Force on June 17, 2004, and addressed a number of other changes that Staff suggested be incorporated. Robin Acree and Mary Hussmann, both on behalf of Grass Roots Organizing (GRO); Rachel Steffen; the CWR and Long Term Energy Affordability Task Force (Task Force); Staff; Jacqueline Hutchinson, on behalf of Human Development Corporation (HDC) of Metropolitan St. Louis; Ruth O'Neill of the Office of the Public Counsel (OPC); and Michael C. Pendergast, Thomas M. Byrne, Dean L. Cooper and James M. Fischer, on behalf of Aquila, Inc., Atmos Energy Corporation, The Empire District Electric Company, Kansas City Power & Light Company, Laclede Gas Company, Missouri Gas Energy (MGE) and Union Electric Company d/b/a AmerenUE (Utilities) all submitted written comments on the proposed amendment on or before June 17, 2004. Warren Wood of the Staff; Ruth O'Neill and John Coffman of the OPC; Mike Pendergast and Paul Wildeisen of Laclede Gas Company; James Fischer on behalf of Atmos Energy and Kansas City Power & Light; Jacqueline (Jackie) Hutchinson of the HDC; Thomas Byrne of AmerenUE; Kim Lambert of MGE; Nathan Stephens and Mary Hussmann of GRO; Ivan Lee Eames of the HDC; Robin Sherrod; Barbara Ross; and Jeanna Machon of the Family Support Division testified at the public hearing on July 9, 2004.

COMMENT: GRO recommended that the CWR cold temperature moratorium be revised to, "will drop below forty degrees Fahrenheit (40°F)." In the hearing, Ms. Hussmann reiterated this recommendation and testified that the current disconnect moratorium of thirty degrees Fahrenheit (30°F) is dangerously low and does not provide protection for even the most vulnerable customers like low income elderly, disabled and children. Ms. Hussmann further testified that temperatures can drop lower after the shutoff, and it doesn't matter how low it goes, the shutoff remains until a payment agreement is reached. In her written comments, Rachel Steffen recommended that the CWR should be modified so that forty degrees Fahrenheit (40°F) is the non-payment shutoff minimum. Rachel Steffen further com-

mented that this provision would provide vulnerable customers sufficient time to either restore their utilities, or find alternate heating sources. In the hearing, Mr. Eames stated that HDC strongly supports changing the disconnect moratorium from thirty degrees Fahrenheit (30°F) to forty degrees Fahrenheit (40°F). In the hearing, Ms. Ross noted that she supports the notion of changing the moratorium to forty degrees Fahrenheit (40°F). In her written comments, Jackie Hutchinson recommended that the temperature moratorium be raised to thirty-five degrees Fahrenheit (35°F), as this would provide protection from non-payment cutoff approximately seventy-eight percent (78%) of the coldest days of the winter. In the hearing, Ms. Hutchinson reiterated her recommendation that the temperature moratorium be raised to thirty-five degrees Fahrenheit (35°F) as a compromise to her preferred change to forty degrees Fahrenheit (40°F). In the hearing, Ms. Hutchinson also provided statistics that illustrated the number of low income households in Missouri and the difficulties that these customers are experiencing in paying their utility bills. In their written comments, the OPC proposed thirty-five degrees Fahrenheit (35°F) as a compromise between the positions of the parties and to be consistent with the protections afforded in the state of Kansas. The OPC noted that this increased temperature would protect the vulnerable segments of the population from the adverse consequences of shutoff in cold weather without increasing the administrative burden to utilities or community action agencies. In the hearing, the OPC noted that they believe that the current temperature threshold for disconnect is too low to protect vulnerable populations from the health risks of having their heat shut off during the winter months. The OPC further noted that they believe that most of the benefits that would derive from an increase in the temperature moratorium to forty degrees Fahrenheit (40°F) could also be accomplished if the temperature moratorium was only increased to thirty-five degrees Fahrenheit (35°F). The OPC also proposed that an alternative option to protect vulnerable populations would be to slightly increase the temperature moratorium to thirty-two degrees Fahrenheit (32°F) and add a blanket moratorium on disconnects during the CWR period for vulnerable populations. This blanket moratorium would be extended to low income seniors, disabled persons and families with children under the age of three (3). In the hearing, the OPC further noted that the thirty-two degree Fahrenheit (32°F) plus other protections is an approach taken by a number of other jurisdictions, although the way they identify those populations eligible for the moratorium vary widely from state to state. OPC noted that they believe that the biggest drawback to this approach is determining which customers should benefit from that total moratorium and also how the companies can verify that the persons who are seeking that protection are eligible. The OPC commented that, by raising the "no-cut" temperature to thirty-five degrees Fahrenheit (35°F), the most vulnerable populations are more likely to be protected from hypothermia and other health concerns than they are under the current version of the CWR. In the hearing, the OPC reiterated these proposals. The OPC noted that it recognizes the financial burden that is likely to be imposed on the state of Missouri, community assistance program agencies and/or utility companies if the moratorium temperature is only raised to thirty-two degrees Fahrenheit (32°F) with special protections for vulnerable populations. OPC therefore believes that it would be in the public interest to raise the moratorium temperature to thirty-five degrees Fahrenheit (35°F). In the hearing, the Staff noted that it believes that changing the moratorium to forty degrees Fahrenheit (40°F) would act basically as a winter moratorium on disconnects. Although Staff could support a change on the current moratorium to thirty-two degrees Fahrenheit (32°F), it noted that this change would not provide much additional temperature protection. Staff's assessment of the issue was that it is probably best resolved by the Task Force in its work on long-term energy affordability and not by additional changes to the CWR. In the hearing, Mr. Byrne stated that AmerenUE is opposed to changing the current thirty degree Fahrenheit (30°F) moratorium to a higher temperature since it would only defer the

problem, result in customers having higher arrears than they would otherwise, and while it could protect some customers who cannot pay it would also protect some customers who choose not to pay. In the hearing, Ms. Lambert of MGE noted that MGE is opposed to the temperature moratorium and believes that this issue would be better addressed in the work of the Task Force.

RESPONSE AND EXPLANATION OF CHANGE: The commission has carefully considered increasing the cut-off temperature to some temperature higher than thirty degrees Fahrenheit (30°F). After carefully reviewing the provisions of other states and the positions of the parties in this rulemaking docket, the commission has decided to change the current temperature moratorium from thirty degrees Fahrenheit (30°F) to thirty-two degrees Fahrenheit (32°F) and implement additional protections for low income registered elderly or disabled customers. These changes will provide for a higher level of protection to all customers during the winter months with special protections to those customers most at risk.

COMMENT: GRO commented that the utility companies contend that they do everything they can to prevent the shut-off of low income disabled and elderly during the cold weather period, but that the utilities do not want this moratorium "codified in the law." GRO also noted that children are a vulnerable population not protected or considered under the "charitable conditions" the utilities contend they use to forestall the disabled and elderly from shut-off. Further, GRO noted that it is time-consuming, bureaucratic, and expensive to educate, screen, track, and continuously verify if a person is eligible for a "most vulnerable population" category and stated that they believe that the most responsible and efficient thing to do is to protect all customers by raising the temperature threshold to forty degrees Fahrenheit (40°F). In her written comments and testimony at the hearing, Jackie Hutchinson recommended that in addition to a higher temperature moratorium that a complete moratorium from cut-off during the CWR period from November 1 through March 31 be implemented for customers who are registered elderly or disabled and whose incomes are below one hundred fifty percent (150%) of the federal poverty index. In the hearing, Ms. Hutchinson further explained that she believes that a cut-off moratorium for elderly and disabled is indeed what most utilities have right now. Ms. Hutchinson recommended that utility companies may require that customers send documentation with the elderly registration form, or may elect to include a self-declaration of income statement on their elderly registration forms. In her written testimony, Ms. Hutchinson also noted that while thirteen (13) of the fifty (50) states have a temperature-based seasonal termination protection policy, a majority of the states identify "protected classes" of customers who are low income elderly, disabled or families with children. In the hearing, Ms. Hutchinson testified that twenty-two (22) states include some reference to inability to pay in their CWRs and there are various different ways of determining inability to pay from people who receive Temporary Assistance for Needy Families (TANF), Social Security Supplemental Income (SSI), Social Security, Low Income Housing Energy Assistance Program (LIHEAP) or weatherization. In her written comments, Ms. Hutchinson indicated that these families are usually receiving income from an easily verifiable source such as Temporary Assistance for Needy Families (TANF), Social Security Supplemental Income (SSI), Social Security Administration (SSA), unemployment compensation, LIHEAP, weatherization, or other types of fixed income. Jackie Hutchinson further expressed that verification could be as simple and as non-threatening as possible, with a single form that is self-certified by the client, or by verbal self-declaration of eligibility. In response to questions from Chairman Gaw, Ms. Hutchinson indicated that implementation of protections for low income customers could be associated with some type of a declaration of poverty and be based on a percentage of the poverty index. Ms. Hutchinson further testified that this process could be as complicated as you want to make it with self-declaration being a simple option, looking for information like a letter to verify that a house is

TANF eligible being slightly more involved and verification of percentage of Federal Poverty Guideline (FPG) being still more involved. In response to a question from Chairman Gaw, Ms. Hutchinson noted that most states have long-term affordability plans and that some states have a requirement that some minimum payment is made on a monthly basis. Ms. Hutchinson further testified that based on figures she had reviewed from Roger Colton that eighty-five percent (85%) of customers in New Jersey who have a required payment that recognizes their ability to pay make those payments every month. Ms. Hutchinson also noted that the Committee to Keep Missourians Warm had discussed the level of a minimum payment and had arrived at a figure of forty dollars (\$40) based on six percent (6%) of the income of low income households that were receiving LIHEAP in the state at that time. In their written comments and testimony at the hearing, the OPC commented that the current temperature is too low compared to temperature moratoriums in other jurisdictions and is too low to prevent vulnerable populations from the health risks of having their heat shut off during the winter months and indicated that they had made two (2) proposals in their written comments to address this situation. The OPC noted that their preferred proposal, which they believe represents a compromise between the parties, would raise the moratorium threshold temperature to thirty-five degrees Fahrenheit (35°F). OPC's alternative proposal would raise that "no-cut" temperature only to thirty-two degrees Fahrenheit (32°F), but also prohibit cutting service to low income elderly, disabled and families with young children. OPC further noted that the thirty-two degree Fahrenheit (32°F) plus other protections is an approach taken by a number of other jurisdictions, although the way they identify those populations eligible for the moratorium vary widely from state to state. OPC noted that they believe that the biggest drawback to this approach is determining which customers should benefit from that total moratorium and also how the companies can verify that the persons who are seeking that protection are eligible. The OPC further noted that while many jurisdictions prohibit disconnection at the slightly higher temperature of thirty-two degrees Fahrenheit (32°F), these provisions are generally coupled with special provisions that protect vulnerable populations from having their heating source shutoff during the coldest months. The OPC also noted that during the deliberations of the Task Force that the utility representatives participating in the Task Force asserted that they take special measures to ensure that at risk elderly and disabled customers do not lose their service for non-payment, indicating that the principle behind this policy is acceptable. The OPC commented that while such an informal practice is commendable, this practice does not rise to the level of a legal obligation, and therefore is subject to being applied in an inequitable or discriminatory fashion. In the hearing, Staff noted that Missouri's Family Support Division and utility representatives attending the Task Force's meetings both expressed significant concerns related to the administration of programs to expand the disconnect moratorium to low income elderly or disabled customers and low income families with young children as well as the availability of data to implement these additional protections. Staff noted that with additional research and data, Staff could possibly support expanding the disconnect moratorium to low income elderly or disabled individuals who are living at or below one hundred fifty percent (150%) of the Federal Poverty Guideline (FPG) and believes this could be accomplished at a reasonable administrative cost. Staff was not, however, immediately supportive of this change since Staff believes that it could result in the very customers it is designed to assist only getting farther behind in the amount they owe before they are disconnected and not providing the long-term assistance that was the objective. Staff's assessment of the issue was that it is probably best resolved by the Task Force in its upcoming work on long-term energy affordability and not by additional changes to the CWR. In the hearing Mr. Wood testified that certain states have no special seasonal protections and other states have protections that are either tied to temperatures, income levels, age or disability or some combination of all the above.

In the hearing, Ms. Lambert noted that MGE has concerns about low income households as it relates to a temperature moratorium regarding administrative costs and burdens, and in particular trying to determine what households include small children. In response to questions from Chairman Gaw, Mr. Pendergast stated that Laclede makes every effort to go ahead and avoid disconnection of people who have registered as disabled or elderly. Mr. Pendergast clarified that this is not a written policy and indicated his concern that by incorporating broadly written provisions that apply to anybody that is sixty (60) years or older or anybody that has a child that is under three (3) years of age into the CWR, that other people would register and would exacerbate the problem of availability of assistance mechanisms to people who really do not need it and costs would go up significantly. Mr. Byrne indicated that AmerenUE also makes special efforts on behalf of registered elderly and disabled customers.

RESPONSE AND EXPLANATION OF CHANGE: The commission has carefully considered the written comments and testimony received in this rulemaking docket and will incorporate provisions into the CWR that prohibit disconnection of registered elderly customers who are sixty-five (65) years old or older or disabled customer households who receive an income below one hundred fifty percent (150%) of the FPG. In addition to changing the temperature moratorium from thirty degrees Fahrenheit (30°F) to thirty-two degrees Fahrenheit (32°F), the commission will revise the CWR to include a moratorium that will: be in effect from November 1 to March 31; apply to registered low income elderly or disabled customer households who receive an income below one hundred fifty percent (150%) of the FPG; include provisions for eligibility verification by the utility; and require that low income registered elderly or disabled customers make a minimum payment of the lesser of fifty percent (50%) of their payment plan amount or their billed amount based on actual usage for that billing cycle in order to remain under this disconnect moratorium during the winter. The commission will not add provisions specifically prohibiting disconnection of customers with young children because verification of this provision is not practical at this time.

COMMENT: GRO recommended that if a family has been shutoff, that more realistic payment plan option(s) for reconnect be implemented right away. In the hearing, Ms. Hussmann testified that GRO recommends that reconnection amounts be twenty-five percent (25%) of what's owed or one hundred dollars (\$100), whatever is lower. In the hearing, Mr. Eames stated that he supports changing the CWR to include a provision that would allow customers who have broken a past payment agreement to be reconnected if they can pay the lesser of twenty-five percent (25%) of what is owed or forty dollars (\$40). In the hearing, Staff noted that they support adding a provision to the CWR that would provide a maximum amount for reconnection of eighty percent (80%) of the balance owed or eight hundred dollars (\$800), whichever is less, if the customer agrees to a payment agreement for the remaining balance. Staff stated that it does not believe that this would represent an undue hardship on utilities as utilities often implement internal procedures now that do not require a full payment to restore service. Staff noted that associated with this change it supports adding language to the CWR that would permit a utility to file tariffs to: 1) incorporate means-testing to check if customers have an income at or below one hundred fifty percent (150%) of the FPG to determine their eligibility to the financial provisions of the CWR; and 2) address the situation where a customer repeatedly receives service for the eight hundred dollar (\$800) payment, does not pay for the service they receive after being reconnected and incurs more in arrearages than their initial payment to receive service. In the hearing, Staff noted that they recently agreed to a number of additional provisions as a result of negotiations before the hearing. Staff recommended that the commission consider incorporation of a provision into the CWR that would require the customers who have not defaulted on a CWR payment agreement in the past could be placed on a payment agreement after an initial payment of

fifteen percent (15%) of their total leveled bill amount due. In the hearing, Mr. Pendergast explained the operation of the eighty percent (80%) or eight hundred dollar (\$800) provision and the operation of the fifteen percent (15%) initial payment. Mr. Pendergast also noted that Laclede believes that some form of means-testing is appropriate to incorporate into the CWR, as well as a way to address the customer who gets back on under the eighty percent (80%) or eight hundred dollar (\$800) provision and defaults again. Mr. Pendergast further noted that Laclede has offered to address both of these issues through tariffs rather than the CWR. Finally, Mr. Pendergast proposed language to address these proposed CWR provisions and this proposed language was entered into the record as Exhibit No. 2. In the hearing, Commissioner Murray noted that the eighty percent (80%) or eight hundred dollar (\$800) language ends with "unless the utility and customer agree to a lesser amount," and asked if this could also be a greater amount. Mr. Pendergast responded that a change to permit this would be appropriate. Jackie Hutchinson recommended that for a low income customer who has defaulted on a previous CWR payment agreement, the initial payment required for reconnection be fifty percent (50%) of the total bill, with a maximum payment required of six hundred dollars (\$600). In the hearing, Ms. Hutchinson reiterated her proposal that customers who have broken a past payment agreement be able to be reconnected for fifty percent (50%) of their unpaid arrears or six hundred dollars (\$600) and noted that the current incentives customers face do not encourage them to pay any portion of their bill if they cannot pay the total bill since they will still be disconnected. In the hearing, Ms. Hutchinson responded that the fifteen percent (15%) payment to be restored almost doubles what that family would have to pay and does not believe that it would be fair to sacrifice the payment of a few in order to reduce the payment. Ms. Hutchinson further noted that she is in favor of the eight hundred dollar (\$800) cap and is willing to move to this number from the six hundred dollars (\$600) she had originally proposed. Ms. Hutchinson also stated that she is in favor of means-testing. In response to a question from Chairman Gaw, Ms. Hutchinson testified that the proposal to require that first time CWR applicants pay fifteen percent (15%) versus one-twelfth (1/12) would be a problem as these customers are usually people who are unemployed and have had a drastic drop in income and that requiring significantly more money up front will require them to apply for assistance, thereby lowering the amount of assistance, because the amount of energy assistance available does not change. Mr. Coffman testified that he would echo the concerns that Ms. Hutchinson voiced on this issue. Ms. Sherrod also testified on this issue noting that customers who are trying to get reconnected often represent people who have lost their jobs, have become disabled and are in a crisis situation, were in shelter and are coming out, their credit is bad or they are coming up with their first and last month's rent and noted that being reconnected at the lowest possible cost is preferred. The OPC recommended that customers who have been disconnected as a result of default on a CWR payment agreement be allowed to re-establish service upon payment of less than all of the arrearages on their account. In their written comments and testimony at the hearing, the OPC proposed that such customers should be reconnected at the start of the CWR period if they can pay at least fifty percent (50%) of their past due bill, or seven hundred fifty dollars (\$750), whichever is less, provided that they are willing to enter into a payment agreement for the remaining past due balance. In the hearing, the OPC further stated that they believe that the eighty percent (80%) or eight hundred dollars (\$800) is worth considering as long as it does not adversely affect the ability of first-time participants to get financing under the CWR.

RESPONSE AND EXPLANATION OF CHANGE: The commission has carefully considered incorporating into the CWR a maximum payment amount in order to have service restored if a past payment agreement has been broken and will revise the CWR to incorporate a provision that limits the initial payment to eighty percent (80%) of the customer's balance, unless the utility and customer

agree to a different amount. Further, the commission will add a provision to the CWR to permit utilities to file a tariff to address circumstances where a customer has defaulted on another payment agreement after having service reconnected for eighty percent (80%) of the balance due. Associated with these additional provisions, the commission will also permit utilities to file a tariff to establish a procedure for limiting the availability of the payment agreements under section (10) of the CWR to customers residing in households with income levels below one hundred fifty percent (150%) of the FPG. Finally, the commission will further revise the CWR to make the initial payment for customers who have not defaulted on a CWR payment plan no more than twelve percent (12%) of the total twelve (12)-month budget bill amount. While this will increase the initial payment amount, it will also decrease the monthly payments after this initial payment. The commission will also change the last sentence of the language proposed by Laclede for a tariff provision related to addressing customers who have repeatedly broken payment agreements by changing "all" to "higher amounts toward."

COMMENT: GRO commented that the Missouri Public Service Commission should find ways to mandate that all Missouri municipalities abide by the CWR.

RESPONSE: The commission has considered this comment but does not have the authority to implement it.

COMMENT: In their written comment, GRO commented that increased efforts should be made to educate utility CEO's, their employees, stockholders, and the entire Missouri public about the value of the "Cold Weather Rule." In their written comments and in the hearing, GRO proposed that all utility companies be required, every year, to inform their customers in writing of the "Cold Weather Rule." In her written comments, Jackie Hutchinson commented that an additional notice requirement should be added to the CWR. This notification would detail the provisions of the CWR and should be sent to all customers who have been disconnected for non-payment during the period of April 1 through October 30. Ms. Hutchinson recommended that this communication should be sent by mail, to the last known customer address, during the month of October each year. In the hearing, Ms. Hutchinson noted that the lack of a notice of the CWR to customers who have been disconnected outside of the winter period leaves many of the new poor, who have not experienced having their utilities cut off before, without the information they should be provided with regarding their ability to be reconnected before the winter season for an amount less than their total arrearage.

RESPONSE: The commission has considered this recommendation and will not revise the CWR to incorporate this comment. Current CWR notice provisions prior to disconnection, initial customer mailings, annual mailings, and information available through local action agencies provide sufficient information to customers to make them aware of the CWR. Commissioners, Staff and OPC regularly issue press releases and speak with the media about the CWR and its provisions. The commission's Internet site provides a number of fliers that detail the provisions of the CWR. Requiring an additional mailing would result in an additional annual expense to all the utilities that all customers could eventually be required to pay for in higher rates.

COMMENT: GRO commented that the PSC should establish a "Hot Weather Rule" as soon as possible.

RESPONSE: The commission does not believe that this comment is directed at a particular change to this CWR, but understands that further deliberations of the Task Force will include discussions on this issue.

COMMENT: In its written comments, the Task Force recommended that subsection (1)(D) of the proposed amendment should be modified to better describe registered elderly or disabled customers and

provided suggested language. The Utilities stated that they believe that the new procedures recommended by the Task Force for addressing elderly and disabled customers will make for a more orderly, efficient and effective process for identifying and registering such customers. The Utilities further stated that by clarifying the documentation that a customer may provide to qualify for registration, including the use of disability award letters from the federal government, the new procedures should simplify the registration process for many customers. The Utilities noted that by establishing an annual renewal process, the new procedures should ensure that registration lists remain current and are updated in an orderly manner. The Utilities recommended that these procedures be adopted by the commission as part of the proposed amendment.

RESPONSE AND EXPLANATION OF CHANGE: The commission has considered the language proposed by the Task Force in this revision to the CWR and will adopt the recommended language with a change to make it consistent with the revision to the CWR regarding the age of customers who are considered elderly. To be consistent with the new provision regarding how low income elderly customers are defined, subsection (1)(C) of the revised CWR will be changed to reflect sixty-five (65) years old instead of the current sixty (60). This revised language better defines registered elderly and disabled customers and may improve the overall identification and registration of these customers.

COMMENT: In its written comments, the Task Force recommended that section (4) of the proposed amendment should be modified to specifically address the situation where a utility employee makes an oral representation of service termination when termination is not permitted and provided suggested language. The Utilities noted that section (4) of the proposed amendment as originally published in the *Missouri Register* contained language that purported to prohibit threats of service disconnections when the utility had no present intent to actually discontinue service. The Utilities stated that in its original form, this proposed prohibition was vague, difficult to administer and potentially inconsistent with other rule provisions that affirmatively require that customers be provided with multiple notices before service may be discontinued. The Utilities further noted that the new language proposed by the Task Force for section (4) avoids these problems by focusing on those circumstances where there is a known "no-cut" day under the temperature moratorium provisions of CWR. The Missouri Utilities believe this is a workable and appropriate addition to the CWR and should be approved by the commission.

RESPONSE AND EXPLANATION OF CHANGE: The commission has considered the language proposed by the Task Force in this revision to the CWR and will adopt the recommended language. This revised language clearly prohibits oral representations of service termination when the threatened disconnection would occur on a known "no-cut" day because of forecasted weather with a low below thirty degrees Fahrenheit (30°F).

COMMENT: In its written comments, the Task Force recommended that section (7) of the proposed amendment should be modified to better address the situation where a customer, who is under a CWR payment agreement, moves from one residence to another in the service territory of the same utility and provided suggested language. The Task Force asserts that the language in the proposed amendment restricts the continuation of service provision more than current normal practice. Also, the Task Force recommended that the reference to a change in residence not being considered an application for new service should be removed because this creates unnecessary difficulties in the utilities' customer accounting systems. The Utilities stated that both the proposed amendment, as well as the modifications proposed by the Task Force, contain language that would allow customers to reinstate or preserve existing CWR agreements under various circumstances. The Utilities stated that although this represents

an expansion of reinstatement rights over what was originally proposed in the CWR, the Missouri Utilities believe that the provision recommended by the Task Force is reasonable and should be adopted by the commission.

RESPONSE AND EXPLANATION OF CHANGE: The commission has considered the language proposed by the Task Force and endorsed by the Utilities in this revision to the CWR and will adopt the recommended language. This revised language will provide for clearer application and enforcement of the CWR in circumstances where a customer on a payment agreement moves from one residence to another within a utility's service territory.

COMMENT: In its written comments the Task Force recommended that paragraph (10)(B)5. of the proposed amendment be modified by deletion of the last sentence. The Task Force noted this language should also be clarified by adding "Cold Weather Rule" in front of "payment agreement" and deleting "deferred" where it appears in this section. The Task Force noted that the provision for only accepting reinstatement once is more restrictive than current utility practice. The Utilities noted that they support adoption of the Task Force's recommended language. The Utilities indicated that this language is designed to provide the same reinstatement rights as those set forth in section (7) in circumstances where a customer faces imminent disconnection at his or her existing service location. The Utilities believe that it is reasonable and appropriate to provide customers with the opportunity to preserve their payment agreements and avoid disconnection as long as the appropriate payments set forth in the proposed provision are made prior to disconnection. The Staff noted that section (7) of the proposed amendment has been modified to more clearly identify the amount that is due from a customer who moves and is under a payment agreement that they may have broken. The Staff noted that the language in section (7) that addresses this reads as follows: "if the customer pays in full the amounts that should have been paid pursuant to the agreement up to the date service is requested, as well as, amounts not included in a payment agreement that have become past due." Staff further noted that paragraph (10)(B)5. of the proposed amendment has a similar provision for continuation of service for a customer who has broken a payment agreement but has not yet been disconnected and that the language in paragraph (10)(B)5. that addresses this reads as follows: "if the customer pays in full the amounts that should have been paid up to that date pursuant to the original payment agreement (including any amounts for current usage which have become past due)." Staff recommended that paragraph (10)(B)5. be modified to more closely track the language revisions to section (7) of the CWR to avoid any confusion in the future regarding the amount due in these circumstances.

RESPONSE AND EXPLANATION OF CHANGE: The commission has considered the language proposed by the Task Force and endorsed by the Utilities in this revision to the CWR and will adopt language that is similar to that proposed by the Task Force, but with revisions to address the concerns expressed by Staff. This revised language will better define CWR treatment when a customer breaks a CWR payment agreement but has not yet had service disconnected.

COMMENT: In its written comments the Task Force recommended that paragraph (10)(C)1. of the proposed amendment should be modified by deletion of the language that was added in the proposed amendment submitted to the Secretary of State for filing. The Task Force noted that the language "within the last three (3) or more years" is not necessary, as the utilities have not been interpreting the CWR as not being available to any customer who has ever broken a CWR payment agreement. Similarly, the Task Force also recommended that paragraph (10)(C)2. of the proposed amendment should be modified by deletion of the language that was added in the proposed amendment submitted to the Secretary of State for filing. The Task Force noted that under current utility practices any customer who has been able to pay the total amount due has been reinstated on

a CWR payment agreement. In fact, the Task Force further noted that utilities often adopt internal procedures, which may vary from one year to the next in response to average arrearage levels and gas prices, which permit customers who have broken a payment agreement to receive service if they can pay a certain percentage of their arrearage. The Utilities stated that as originally drafted, the proposed amendment contained modifications to paragraphs 1. and 2. of renumbered subsection (10)(C) that would have specified that customers are eligible for certain initial payments under CWR payment agreements as long as they did not default on such an agreement within the last three (3) years. The Utilities noted that, because customers remain eligible for CWR payment agreements as long as they make the required payments provided by the CWR, this three (3) year default language was unnecessary. The Utilities recommended that this language be deleted from any final amendment.

RESPONSE AND EXPLANATION OF CHANGE: The commission has considered this proposal to delete the proposed language originally published in the proposed amendment and will eliminate the language objected to by the Task Force and the Utilities. The additional proposed language is unnecessary.

COMMENT: In its written comments the Task Force recommended that subsections (6)(B) and (9)(B) of the proposed amendment should be deleted from the CWR. The Task Force noted that as a matter of practice the utilities have not had the information to verify that the customer has applied for financial assistance. The Task Force indicated that it discussed at length the possible establishment of coordination provisions between the utilities and the agencies that maintain this information. The Task Force noted that the outcome of these discussions was agreement between all the Task Force members that these sections of the CWR should be deleted.

RESPONSE AND EXPLANATION OF CHANGE: The commission has considered deletion of these sections as proposed by the Task Force and will delete these sections from the CWR. These provisions of the CWR have not been practical to administer and enforce and should no longer be included as a requirement of the CWR.

COMMENT: In the hearing, Staff stated that it agrees that the utilities should be provided with a reasonable means to recover additional administrative cost, increased expenses, decreased revenues and/or increased bad debts that can be specifically attributed to the proposed changes to the CWR that were not agreed to by the Task Force. Staff was not supportive of a surcharge to all customers to cover the cost of this CWR between rate cases and recommended that an Accounting Authority Order (AAO) would be the mechanism to recognize these incremental expenses when they can be justified. In her written comments and testimony at the hearing, Jackie Hutchinson stated that the utility companies should be allowed reasonable recovery of any increased cost associated with this CWR. Ms. Hutchinson further noted that any estimated rates must be reviewed by, and agreed to in advance by, the PSC. She stated that the Staff should do an annual review of those rates and a refund of any overcharges by the utility should be required. In their written comments and testimony at the public hearing, the OPC stated that they believe that the current provisions of the CWR allow the commission to recognize and allow recovery of reasonable costs that utilities incur to comply with the current CWR and the proposed revisions submitted by the Task Force. The OPC further testified at the public hearing that it does not support a surcharge based on estimated costs or an additional component of the Purchased Gas Adjustment (PGA) charge for gas and views these types of recovery mechanisms as unlawful single-issue ratemaking and bad public policy. In their written comments, the OPC did state that they recognize that the utilities may incur additional expenses if the commission adopts proposals other than those adopted by the Task Force. The OPC further indicated that they believe that some savings and/or increased revenues may also result from implementing these changes, which may offset, at least to a degree, increased expenses the utility

may incur. The OPC further stated that they would not oppose including, in the new section (12) (old section (10)) a provision that would specifically authorize a utility to apply for an AAO to address these costs. The OPC recommended that the AAO language mirror the language contained in the AAO provision of the 2001 emergency CWR, but with an ending date coinciding with the company's next rate case or three (3) years from the date of the implementation of the amendment. The language OPC suggested reads as follows: The commission shall grant an Accounting Authority Order, as defined below, upon application of a gas or electric utility company, and the utility may book to Account 186 for review, audit and recovery all incremental expenses incurred and incremental revenues that are caused by changes to this rule. Any such Accounting Authority Order shall be effective until the utility's next rate case, or for a period of three (3) years from the date of the change in the rule, whichever occurs sooner.

The Utilities stated that at least one (1) additional modification to the proposed amendment should be made to comply with what they believe are the prevailing legal requirements in the event the commission decided that any rule changes beyond those recommended by the Task Force are made. Specifically, the Utilities recommended that language should be added to the new section (12) of the proposed amendment to clarify that utilities will be permitted to file tariffs and adjust their rates as necessary to permit recovery of any estimated increase in operating expenses or decrease in revenues resulting from implementation of any modifications to the CWR. The language that the Utilities recommended be added to the new section (12) of the CWR reads as follows: The commission shall recognize and permit recovery of reasonable operating expenses incurred by a utility because of this rule. If any change to this rule is implemented between general rate proceedings, the utility shall be permitted to file a tariff adjusting its rates as necessary to permit recovery of any estimated increase in operating expenses or decrease in revenues resulting from such implementation. Such tariff shall be subject to review and approval by the commission and shall become effective at the same time as the rule is made effective for the utility.

In the public hearing, Mr. Pendergast noted that the changes recommended by OPC and Ms. Hutchinson that go beyond those recommended by the Task Force will not result in more energy assistance for vulnerable customers and will, in fact, more likely simply defer the problem until the future and leave other parties to worry about the financial consequences as new arrearages pile up on top of old arrearages. Mr. Pendergast then submitted Exhibit No. 1 that is Laclede's estimate of what they believe these proposal's financial impacts on Laclede would be. Mr. Pendergast further noted that Laclede believes that Staff and OPC are wrong on the issue of single-issue ratemaking and in fact, it's necessary to go ahead and provide the adjustment, not to go ahead and violate the principles that underlie single-issue ratemaking. Mr. Pendergast then explained Laclede's proposal to comply with the revenue neutrality requirement as one that would permit the utility to file a tariff to go ahead and adjust rates in order to go ahead and reflect the decrease in revenues or increase in costs associated with any changes to the CWR. Mr. Pendergast also noted other cost recovery mechanisms were not accepted by one or more of the Task Force parties. Mr. Pendergast further noted that an AAO is not an adequate mechanism based on past experiences and court determinations. In the hearing, Mr. Byrne stated that if the commission decides to increase the temperature moratorium that AmerenUE supports the positions of Mr. Pendergast and Ms. Hutchinson that the commission needs to make provision so that the utilities can recover their costs. In the hearing, Ms. Lambert stated that MGE would like to see some sort of cost recovery mechanism implemented and would like to see more conversation about this during the energy affordability piece of the Task Force's meetings. In the hearing, Mr. Fischer noted that Atmos Energy had experienced utilization of an AAO associated with cleaning-up a manufactured gas plant where no recovery was permitted since they did not file a rate case in the time required. Mr. Fischer

also generally noted that although an AAO may look like a reasonable cost recovery mechanism it is the details of the AAO, like a requirement to file a rate case, that make them a problem. In response to a question from Chairman Gaw, OPC and Staff noted that they had not proposed that a limit on the time period until the next rate case would be required to be part of an AAO and also noted that they would certainly consider shorter time frames for recovery. **RESPONSE AND EXPLANATION OF CHANGE:** Having carefully considered the various changes that are being made to the CWR through this proceeding, the commission believes that the net sum of the cost increases and revenue increases associated with these changes result in little or no cost impact to the utilities. The twelve percent (12%) initial payment for customers who have not previously defaulted on a CWR payment agreement versus the current one-twelfth (1/12) payment is an increase in initial payments to the utility. In these rulemaking proceedings several utilities indicated that they currently take special measures to avoid disconnecting low income elderly or disabled customers during the winter period. In these rulemaking proceedings several utilities also noted that they currently permit customers who have previously defaulted on a payment agreement to be reconnected for some amount less than the total balance due. Finally, raising the temperature moratorium from thirty degrees Fahrenheit (30°F) to thirty-two degrees Fahrenheit (32°F) may represent a decrease in opportunities to disconnect customers who are delinquent on their payments and are eligible for disconnect. The commission does not however believe that this temperature change represents a significant reduction in revenues or increase in cost of operations. The current CWR includes provisions for cost recovery in section (12) and this provision is viewed as sufficient to provide for whatever cost recovery the utilities may believe is necessary should they decide to pursue an AAO.

COMMENT: The Task Force noted that the CWR should be revised to correct the reference in the Purpose Statement where it refers to "4 CSR 240-3.175 for electric utilities" to "4 CSR 240-3.180 for electric utilities."

RESPONSE: The commission will consider this proposed correction when it next reviews the CWR.

COMMENT: The Task Force recommended that "handicapped" should be changed to "disabled" throughout the CWR.

RESPONSE AND EXPLANATION OF CHANGE: The commission has considered this revision and agrees that this change should be incorporated into the CWR.

COMMENT: The Task Force commented that the CWR should no longer reflect any references to Energy Crisis Intervention Program (ECIP), as the LIHEAP language in the CWR is sufficient to cover both LIHEAP and ECIP.

RESPONSE AND EXPLANATION OF CHANGE: The commission has considered this comment and will revise the CWR to no longer refer to ECIP.

COMMENT: The Task Force commented that the CWR should be revised to remove any references to Utilicare because the LIHEAP administrating agency language in the CWR is sufficient to cover both LIHEAP and any Utilicare funding that may be available in the future.

RESPONSE AND EXPLANATION OF CHANGE: The commission has considered this comment and will revise the CWR to remove references to Utilicare.

COMMENT: The Task Force recommended that "company" be changed to "utility" wherever it appears in the CWR for consistency.

RESPONSE AND EXPLANATION OF CHANGE: The commission has considered this comment and will revise the CWR to use "utility" wherever "company" currently appears.

COMMENT: The Task Force recommended that "Division of Family Services" be changed to "Family Support Division" wherever it appears in the CWR since this agency has changed its name.

RESPONSE AND EXPLANATION OF CHANGE: The commission has considered this comment and will revise the CWR to correctly use "Family Support Division" instead of "Division of Family Services."

COMMENT: The Task Force recommended deleting the "and" and inserting an "or" at the end of subsection (5)(A) of the proposed amendment since subsections (5)(A) and (5)(B) do not both need to be satisfied in order for disconnection to be prohibited.

RESPONSE AND EXPLANATION OF CHANGE: The commission will incorporate this change into the CWR.

COMMENT: The Task Force recommended that all sections of the CWR be renumbered as necessary after the revisions to the CWR have been incorporated.

RESPONSE AND EXPLANATION OF CHANGE: The commission will revise all the section numbers accordingly after the changes have been incorporated into the CWR.

4 CSR 240-13.055 Cold Weather Maintenance of Service: Provision of Residential Heat-Related Utility Service During Cold Weather

(1) The following definitions shall apply in this rule:

(C) Low Income Home Energy Assistance Program (LIHEAP) means the federal LIHEAP administered by the Missouri Family Support Division under section 660.110, RSMo;

(D) Registered elderly or disabled customer means a customer's household where at least one (1) member of the household has filed with the utility a form approved by the utility attesting to the fact that s/he:

1. Is sixty-five (65) years old or older;

2. Is disabled to the extent that s/he has filed with their utility a medical form submitted by a medical physician attesting that such customer's household must have natural gas or electric utility service provided in the home to maintain life or health; or

3. Has a formal award letter issued from the federal government of disability benefits. In order to retain his/her status as a registered elderly or disabled customer, each such customer must renew his/her registration with the utility annually. Such registration should take place by October 1 of each year following his/her initial registration; and

(E) Low income registered elderly or disabled customer means a customer registered under the provisions of subsection (1)(C) of this rule whose household income is less than one hundred fifty percent (150%) of the federal poverty guidelines, and who has a signed affidavit attesting to that fact on file with the utility. The utility may periodically audit the incomes of low income registered elderly or disabled customers. If, as a result of an audit, a registered low income elderly or disabled customer is found to have materially misrepresented his/her income at the time the affidavit was signed, that customer's service may be discontinued per the provisions of this rule that apply to customers who are not registered low income elderly or disabled customers and payment of all amounts due, as well as, a deposit may be required before service is reconnected.

(4) The utility will not make oral representations of service termination for nonpayment when termination would occur on a known "no-cut" day as governed by the temperature moratorium.

(5) Weather Provisions. Discontinuance of gas and electric service to all residential users, including all residential tenants of apartment buildings, for nonpayment of bills where gas or electricity is used as the source of space heating or to control or operate the only space heating equipment at the residence is prohibited—

(A) On any day when the National Weather Service local forecast between 6:00 a.m. to 9:00 a.m., for the following twenty-four (24) hours predicts that the temperature will drop below thirty-two degrees Fahrenheit (32°F); or

(B) On any day when utility personnel will not be available to reconnect utility service during the immediately succeeding day(s) (Period of Unavailability) and the National Weather Service local forecast between 6:00 a.m. to 9:00 a.m. predicts that the temperature during the Period of Unavailability will drop below thirty-two degrees Fahrenheit (32°F); or

(C) From November 1 through March 31, for any registered low income elderly or low income disabled customer (as defined in this rule), provided that such customer has entered into a cold weather rule payment plan, made the initial payment required by section (10) of this rule and has made and continues to make payments during the effective period of this rule that are at a minimum the lesser of fifty percent (50%) of:

1. The actual bill for usage in that billing period; or

2. The leveled payment amount agreed to in the cold weather rule payment plan. Such reductions in payment amounts may be recovered by adjusting the customer's subsequent leveled payment amounts for the months following March 31.

(D) Nothing in this section shall prohibit a utility from establishing a higher temperature threshold below which it will not discontinue utility service.

(6) Discontinuance of Service. From November 1 through March 31, a utility may not discontinue heat-related residential utility service due to nonpayment of a delinquent bill or account provided—

(B) The utility receives an initial payment and the customer enters into a payment agreement both of which are in compliance with section (10) of this rule;

(C) The customer complies with the utility's requests for information regarding the customer's monthly or annual income; and

(D) There is no other lawful reason for discontinuance of utility service.

(7) Whenever a customer, with a cold weather rule payment agreement, moves to another residence within the utility's service area, the utility shall permit the customer to receive service if the customer pays in full the amounts that should have been paid pursuant to the agreement up to the date service is requested, as well as, amounts not included in a payment agreement that have become past due. No other change to the terms of service to the customer by virtue of the change in the customer's residence with the exception of an upward or downward adjustment to payments necessary to reflect any changes in expected usage between the old and new residence shall be made.

(9) Reconnection Provisions. If a utility has discontinued heat-related utility service to a residential customer due to nonpayment of a delinquent account, the utility, from November 1 through March 31, shall reconnect service to that customer without requiring a deposit; provided—

(B) The utility receives an initial payment and the customer enters into a payment agreement both of which are in compliance with section (10) of this rule;

(C) The customer complies with the requests of the utility for information regarding the customer's monthly or annual income;

(D) None of the amount owed is an amount due as a result of unauthorized interference, diversion or use of the utility's service, and the customer has not engaged in such activity since last receiving service; and

(E) There is no other lawful reason for continued refusal to provide utility service.

(10) Payment Agreements. The payment agreement for service under this rule shall comply with the following:

(A) A pledge of an amount equal to any payment required by this section by the agency which administers LIHEAP shall be deemed to be the payment required. The utility shall confirm in writing the terms of any payment agreement under this rule, unless the extension granted the customer does not exceed two (2) weeks.

(B) Payment Calculations.

1. The utility shall first offer a twelve (12)-month budget plan which is designed to cover the total of all preexisting arrears, current bills and the utility's estimate of the ensuing bills.

2. If the customer states an inability to pay the budget plan amount, the utility and the customer may upon mutual agreement enter into a payment agreement which allows payment of preexisting arrears over a reasonable period in excess of twelve (12) months. In determining a reasonable period of time, the utility and the customer shall consider the amount of the arrears, the time over which it developed, the reasons why it developed, the customer's payment history and the customer's ability to pay.

3. A utility shall permit a customer to enter into a payment agreement to cover the current bill plus arrearages in fewer than twelve (12) months if requested by the customer.

4. The utility may revise the required payment in accordance with its budget or levelized payment plan.

5. If a customer defaults on a cold weather rule payment agreement but has not yet had service discontinued by the utility, the utility shall permit such customer to be reinstated on the payment agreement if the customer pays in full the amounts that should have been paid pursuant to the agreement up to the date service is requested, as well as, amounts not included in a payment agreement that have become past due.

(C) Initial Payments.

1. For a customer who has not defaulted on a payment plan under the cold weather rule, the initial payment shall be no more than twelve percent (12%) of the twelve (12)-month budget bill amount calculated in subsection (10)(B) of this rule unless the utility and the customer agree to a different amount.

2. For a customer who has defaulted on a payment plan under the cold weather rule, the initial payment shall be an amount equal to eighty percent (80%) of the customer's balance, unless the utility and customer agree to a different amount.

(11) If a utility refuses to provide service pursuant to this rule and the reason for refusal of service involves unauthorized interference, diversion or use of the utility's service situated or delivered on or about the customer's premises, the utility shall maintain records concerning the refusal of service which, at a minimum, shall include: the name and address of the person denied reconnection, the names of all utility personnel involved in any part of the determination that refusal of service was appropriate, the facts surrounding the reason for the refusal and any other relevant information.

(13) A utility may apply for a variance from this rule by filing an application for variance with the commission pursuant to the commission's rules of procedure. A utility may also file for commission approval of a tariff or tariffs establishing procedures for limiting the availability of the payment agreements under section (10) of this rule to customers residing in households with income levels below one hundred fifty percent (150%) of the federal poverty level, and for determining whether, and under what circumstances, customers who have subsequently defaulted on a new payment plan calculated under paragraph (10)(C)2. should be required to pay higher amounts toward delinquent installments owed under that payment plan.

Title 11—DEPARTMENT OF PUBLIC SAFETY
Division 45—Missouri Gaming Commission
Chapter 4—Licenses

ORDER OF RULEMAKING

By the authority vested in the Missouri Gaming Commission under sections 313.004 and 313.805, RSMo 2000, the commission amends a rule as follows:

11 CSR 45-4.260 Occupational Licenses is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on April 1, 2004 (29 MoReg 535). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

Title 11—DEPARTMENT OF PUBLIC SAFETY
Division 45—Missouri Gaming Commission
Chapter 5—Conduct of Gaming

ORDER OF RULEMAKING

By the authority vested in the Missouri Gaming Commission under section 313.805, RSMo 2000, the commission amends a rule as follows:

11 CSR 45-5.200 is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on April 1, 2004 (29 MoReg 535-536). Those sections with changes are reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: The Missouri Gaming Commission ("commission") received written comments from IGT, a licensed supplier of gaming equipment in Missouri. A public hearing on this proposed amendment was held on May 18, 2004, and the public comment period ended May 1, 2004. At the public hearing one (1) comment was made.

COMMENT: LaVonne Withey, Director of Regulatory Compliance for IGT, commented on behalf of IGT in writing and at the public hearing. Ms. Withey commented that it is unnecessary to require both the interest coverage ratio and the debt to EBITDA ratio, since both demonstrate the long-term financial strength of a company and are driven by EBITDA. Ms. Withey commented that because licensees are currently required to maintain sufficient reserves to fund jackpots, the proposed working capital test unduly restricts licensees from using cash that could be used in capital deployment opportunities that are beneficial to the company. Edward F. Downey, attorney for IGT, requested that the commission amend the regulation by adding another financial test for a licensee to demonstrate financial strength by having one hundred (100) million dollars in working capital and an investment grade rating by two (2) nationally recognized credit agencies.

RESPONSE AND EXPLANATION OF CHANGE: The commission will not change the requirement for both the interest coverage ratio and debt to EBITDA ratio tests in paragraphs (12)(B)1. and (12)(B)2. because they each address a different aspect of long-term financial strength, with the interest coverage ratio taking into consideration the debt interest rates. The commission agrees to modify the liquidity test found in paragraph (12)(B)3. with language substantially similar to that requested by IGT. The commission considered the fact that a company with an undisputable investment grade credit rating should have additional flexibility as to how it demonstrates liquidity.

11 CSR 45-5.200 Progressive Slot Machines

(12) Unless the commission has approved the payment of prizes by installments, a licensee who has a progressive slot machine must maintain minimum cash reserves in accordance with 11 CSR 45-8.150. The commission must approve all such cash reserves. Notwithstanding the provisions of 11 CSR 45-5.240 Periodic Payments, to the contrary, the commission shall require that the licensee authorized to provide a wide-area progressive system—

(B) In addition, the licensee authorized to provide the wide-area system shall at all times satisfy and be in compliance with the following ratios and tests:

1. An interest coverage ratio of not less than three to one (3:1); and
2. Debt to EBITDA (earnings before interest, taxes, depreciation and amortization) of not more than four to one (4:1); and
3. Satisfaction of one of the following ratios and tests:
 - A. A current ratio of not less than two to one (2:1); or
 - B. Working capital that is greater than twenty percent (20%) of the licensee's total jackpot liability; or
 - C. Working capital in excess of one hundred (100) million dollars and a credit rating from at least two (2) of the following credit rating organizations equal to or higher than the following:
 - (I) Standard & Poor's Corporate BBB;
 - (II) Moody's Long-Term Baa3; or
 - (III) Fitch Corporate BBB.

**Title 13—DEPARTMENT OF SOCIAL SERVICES
Division 70—Division of Medical Services
Chapter 15—Hospital Program**

ORDER OF RULEMAKING

By the authority vested in the Division of Medical Services under sections 208.152, 208.153, 208.201, RSMo 2000 and 208.471, RSMo Supp. 2003, the director amends a rule as follows:

**13 CSR 70-15.160 Prospective Outpatient Hospital Services
Reimbursement Methodology is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on June 1, 2004 (29 MoReg 894-895). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

This section may contain notice of hearings, correction notices, public information notices, rule action notices, statements of actual costs and other items required to be published in the *Missouri Register* by law.

**Title 19—DEPARTMENT OF HEALTH
AND SENIOR SERVICES**
**Division 60—Missouri Health Facilities Review
Committee**
Chapter 50—Certificate of Need Program

EXPEDITED APPLICATION REVIEW SCHEDULE

The Missouri Health Facilities Review Committee has initiated review of the applications listed below. A decision is tentatively scheduled for September 23, 2004. These applications are available for public inspection at the address shown below:

Date Filed

Project Number: Project Name

City (County)

Cost, Description

08/05/04

#3665 HS: Lester E. Cox Medical Centers

Springfield (Greene County)

\$1,765,000, Replace linear accelerator

08/10/04

#3667 HS: St. John's Health System

Springfield (Greene County)

\$2,399,000, Replace positron emission tomography unit

Any person wishing to request a public hearing for the purpose of commenting on these applications must submit a written request to this effect, which must be received by September 10, 2004. All written requests and comments should be sent to:

Chairman
Missouri Health Facilities Review Committee
c/o Certificate of Need Program
915 G Leslie Boulevard
Jefferson City, MO 65101

For additional information contact
Donna Schuessler, 573-751-6403.

Construction Transient Employers

The following is a list of all construction contractors performing work on construction projects in Missouri who are known by the Department of Revenue to be transient employers pursuant to Section 285.230, RSMo. This list is provided as a guideline to assist public bodies with their responsibilities under this section that states, "any county, city, town, village or any other political subdivision which requires a building permit for a person to perform certain construction projects shall require a transient employer to show proof that the employer has been issued a tax clearance and has filed a financial assurance instrument as required by Section 285.230 before such entity issues a building permit to the transient employer."

<u>Contractor</u>	<u>Address</u>	<u>City</u>	<u>State</u>	<u>Zip</u>
A FISCHER BUILDERS INC	814 OHIO ST	QUINCY	IL	62301
AC LEADBETTER & SON INC	110 ARCO DR	TOLEDO	OH	43615
ACADEMY ROOFING & SHEET METAL CO	6361 NE 14TH ST	DES MOINES	IA	50313
ACCEPTANCE CAPITAL MORTGAGE CORPORATION	112 N UNIVERSITY STE 200	SPOKANE	WA	99206
ACI MECHANICAL CORPORATION	3116 SOUTH DUFF AVE	AMES	IA	50010
ACI MECHANICAL INC	3116 S DUFF AVE	AMES	IA	50010
ADDISON CONSTRUCTION CO	1526 HORSE CREEK RD	CHEYENNE	WY	82009
ADECCO USA INC	175 BROAD HOLLOW RD	MELVILLE	NY	11747
ADUDDELL ROOFING & SHEET METAL INC	14220 S MERIDIAN	OKLAHOMA	OK	73173
ADVANCED PROTECTIVE COATING INC	2530 BAYARD ST	KANSAS CITY	KS	66105
AEI INC	735 GLASER PKWY	AKORN	OH	44306
AERIAL SOLUTIONS INC	7074 RAMSEY FORD ROAD	TABOR CITY	NC	28463
AIDE INC	2510 WADE HAMPTON BLVD	GREENVILLE	SC	29606
AJILON PROFESSIONAL STAFFING LLC	175 BROAD HOLLOW RD	MELVILLE	NY	11747
AKI CONTROL SYSTEMS INC	P O BOX 444	WALLER	TX	77484
ALL IOWA CONTRACTING CO	5613 MCKEVETTE RD	WATERLOO	IA	50701
ALLIANCE ENTERPRISES INC	5421 PENINSULA DR S E	OLYMPIA	WA	98513
ALLIANCE INTEGRATED SYSTEMS INC	1500 STUDEMONT	HOUSTON	TX	77007
ALLIED STEEL CONSTRUCTION CO LLC	2211 NW FIRST TERRACE	OKLAHOMA CITY	OK	73107
ALLIED UNIKING CORPORATION INC	4750 CROMWELL AVE	MEMPHIS	TN	38118
ALLSTATE SPECIALTY CONSTRUCTION INC	32700 W 255TH ST	PAOLA	KS	66071
ALVAREZ ENVIRONMENTAL LLC	4631 INVERNESS DR	POST FALLS	ID	83854
AMERICAN CIVIL CONSTRUCTORS INC	4901 S WINDERMERE ST	LITTLETON	CO	80120
AMERICAN COATINGS INC	612 W IRIS DR	NASHVILLE	TN	37204
AMERICAN DIGITAL SYSTEMS/FIBRACOM	12787 E 41ST ST	TULSA	OK	74145
AMERICAN MASONRY CO	1016 W EUCLID	PITTSBURG	KS	66762
AMERICAN MINE SERVICES	12570 E 39TH AVENUE	DENVER	CO	80239
AMERICAN SHELTERS	105 MARKET ST BOX 272	AUDUBON	IA	50025
AMERICASDOCTOR.COM COORDINATORS SERVICES INC	3315 S 23RD STR 108	TACOMA	WA	98405
ANDERSEN TRENCHING & EXCAVATING INC	17263 SUMAC RD	HONEY CREEK	IA	51542
ANGELO IAFRATE CONSTRUCTION COMPANY	26400 SHERWOOD	WARREN	MI	48091
ANTIGO CONSTRUCTION INC	2520 N CLERMONT ST	ANTIGO	WI	54409
ANYTHING AQUATIC INC	2217 WESTCHESTER RD	LAWRENCE	KS	66049

<u>Contractor</u>	<u>Address</u>	<u>City</u>	<u>State</u>	<u>Zip</u>
API INC	2366 ROSE PL	ST PAUL	MN	55113
APPLIKON INC	1165 CHESS DR STE G	FOSTER CITY	CA	94404
ARCHITECTURAL GLAZING PROFESSIONALS	11655 CLARE RD	OLATHE	KS	66061
ARGUSS COMMUNICATIONS GROUP INC	DOVER RD	EPSOM	NH	03234
ARNOLD & MADSON INC	1995 CENTURY AVE SO	WOODBURY	MN	55125
ARR ROOFING LLC	8909 WASHINGTON ST	OMAHA	NE	68127
ASPHALT STONE COMPANY	520 N WEBSTER	JACKSONVILLE	IL	62650
ATLAS INDUSTRIAL HOLDINGS LLC	5275 SINCLAIR RD	COLUMBUS	OH	43229
AUGERS UNLIMITED INC	11933 KAW DRIVE	KANSAS CITY	KS	66111
AUREUS RADIOLOGY LLC	11825 Q ST	OMAHA	NE	68137
AUTRY CONSTRUCTION INC	140 E 3RD	BAXTER SPRINGS	KS	66713
B & B CONTRACTORS INC	13745 SEMINOLE DR	CHINO	CA	91710
B & B DRYWALL CO INC	10567 WIDMER	LENEXA	KS	66215
B & B PERMASTORE INC	6750 W 75TH STE 1A	OVERLAND PARK	KS	66204
B & D ELECTRIC INC	P O BOX 43	STAMPS	AR	71860
B & D SERVICES	4018 NEW YORK RD	NASHVILLE	IL	62262
B C U ELECTRIC INC	1019 US 250 N	ASHLAND	OH	44805
BAKER CONCRETE CONSTRUCTION INC	900 N GARVER RD	MONROE	OH	45050
BALL CONSTRUCTION INC	13922 WEST 108TH ST	LENEXA	KS	66215
BANKERS EDGE	1288 VALLEY FORGE STE 50	VALLEY FORGE	PA	19482
BARNESCO INC	2002 CEDAR CREST	ARKANSAS CITY	KS	67005
BARROWS EXCAVATION INC	49 COUNTY RD #404	BERRYVILLE	AR	72616
BARTLETT NUCLEAR INC	60 INDUSTRIAL PARK RD	PLYMOUTH	MA	02360
BARTLOW BROTHERS INC	S LIBERTY STREET RD	RUSHVILLE	IL	62681
BAZIN EXCAVATING INC	20160 W 191ST	SPRINGHILL	KS	66083
BE & K ENGINEERING COMPANY	2000 INTERNATIONAL PK DR	BIRMINGHAM	AL	35243
BENCHMARK INC	6065 HUNTINGTON CT NE	CEDAR RAPIDS	IA	52402
BERNIE JANNING TERRAZZO & TILE INC	17509 HWY 71	CARROLL	IA	51401
BEST PLUMBING & HEATING	421 SECTION OD	SCAMMON	KS	66773
BEW CONSTRUCTION CO INC	1319 MAIN ST	WOODWARD	OK	73801
BILL DAVIS ROOFING LC	628 VERMONT	LAWRENCE	KS	66044
BIVOUAC ENGINEERING & SERVICE CO LLC	588 MEADOW LANE	MARION	OH	43302
BJ ERECTION CORPORATION	16626 MILES AVE	CLEVELAND	OH	44128
BLACKSHIRE CONSTRUCTION INC	ROUTE 14 BOX 942	ELIZABETH	WV	26143
BLAHNIK CONSTRUCTION CO	150 50TH AVE DR SW	CEDAR RAPIDS	IA	52404
BLAZE MECHANICAL INC	15755 S 169 HWY STE E	OLATHE	KS	66062
BLICKS CONSTRUCTION CO INC	LOCK & DAM RD	QUINCY	IL	62301
BONNEVILLE CONSTRUCTION CO INC	5005 E CAREY AVE	LAS VEGAS	NV	89115
BOYD ELECTRIC INC	3315 N 70TH ST	KANSAS CITY	KS	66109
BRADEN CONSTRUCTION SERVICES INC	5110 N MINGO RD	TULSA	OK	74117
BRB CONTRACTORS INC	400 W CURTIS	TOPEKA	KS	66608
BRIGHTON PAINTING CO	339 OLD ST LOUIS RD	WOOD RIVER	IL	62095

<u>Contractor</u>	<u>Address</u>	<u>City</u>	<u>State</u>	<u>Zip</u>
BRINK ELECTRIC CONSTRUCTION CO	2950 N PLAZA DR	RAPID CITY	SD	57702
BROWNING WELDING SERVICE INC	163 SHAW BRIDGE ROAD	GREENBRIER	AR	72058
BRUCE TRUCKING AND EXCAVATING INC	4401 HWY 162	GRANITE CITY	IL	62040
BUILDINGS INC	235 SOUTH 40TH	SPRINGDALE	AR	72765
BUILT WELL CONSTRUCTION CO	MAIN ST HWY 279 S	HIWASSE	AR	72739
C & C CONTRACTING INC	222 SOUTH SECOND ST	ORLEANS	IN	47452
C IBER & SONS INC	3212 N MAIN	EAST PEORIA	IL	61611
CABLE CONSTRUCTORS INC	105 KENT ST	IRON MOUNTAIN	MI	49801
CALLS METAL BLDG ERECTORS INC	8128 12TH ST	SOMERS	WI	53171
CAPE ENVIRONMENTAL MANAGEMENT INC	2302 PARKLAKE DR STE 200	ATLANTA	GA	30345
CAPITAL INSULATION INC	3210 NE MERIDEN RD	TOPEKA	KS	66617
CARNEY DEMOLITION	303 S HALSTED	CHICAGO	IL	60661
CARTER MOORE INC	1865 E MAIN ST STE F	DUNCAN	SC	29334
CAS CONSTRUCTION INC	501 NE BURGESS	TOPEKA	KS	66608
CASE FOUNDATION CO	1325 W LAKE ST	ROSELLE	IL	60172
CASHATT & SONS CORP	BOX 74	RED OAK	IA	51566
CASYSTEMS INTERNATIONAL INC	8300 COLESVILLE RD 700	SILVER SPRING	MD	20910
CBS CONSTRUCTORS	204 E 1ST	MCCOOK	NE	69001
CCC GROUP INC	5797 DIETRICH RD	SAN ANTONIO	TX	78219
CDK SKANSKA INC	800 S HUTTON RD	FARMINGTON	NM	87401
CELLXION WIRELESS SERVICES LLC	5031 HAZEL JONES RD	BOSSIER CITY	LA	71111
CENTRAL CEILING SYSTEMS INC	105 INDUSTRIAL PARK	DEERFIELD	WI	53531
CENTRAL FOUNDATION INC	915 MARION RD S	CENTRAL CITY	IA	52214
CENTRAL STATES CONTRACTING SERVICES	610 S 78TH ST	KANSAS CITY	KS	66111
CENTRAL STATES ENVIRONMENTAL SERVIC	609 AIRPORT ROAD	CENTRALIA	IL	62801
CENTURY MECHANICAL CONTRACTORS INC	15480 S 169 HWY	OLATHE	KS	66051
CHALLENGE CONSTRUCTION	PO BOX 1509	MANVEL	TX	77578
CHAMPION EXPOSITION SERVICES	139 CAMPANELLI DRIVE	MIDDLEBORO	MA	02346
CHANCE CONSTRUCTION CO	ITALY & BARBER ST	HEMPHILL	TX	75948
CHESTER PHILLIPS CONSTRUCTION COMPANY	1501 N UNIVERSITY STE 740	LITTLE ROCK	AR	72207
CHRIS GEORGE HOMES INC	2111 E SANTA FE #112	OLATHE	KS	66062
CHRISTIE DIGITAL SYSTEMS USA INC	10550 CAMDEN DRIVE	CYPRESS	CA	90630
CLARK CORPORATION THE	141 CATHERINE ST	EAST PEORIA	IL	61611
CLEVINGER CONTRACTORS INC	NAPLES LANE RR1 PO BOX 19	BLUFFS	IL	62621
CLIFFORD LEE & ASSOCIATES	292 MELVIN HARRIS RD	MANCHESTER	GA	31816
COAST TO COAST BUILDERS INC	750 E FUNSTON	WICHITA	KS	67211
COASTAL GUNITE CONSTRUCTION CO	16 WASHINGTON ST	CAMBRIDGE	MD	21613
COLLECTOR WELLS INTERNATIONAL INC	6360 HUNTLEY RD	COLUMBUS	OH	43229
COMMERCIAL CONTRACTING CO OF SAN AN	5797 DIETRICH RD	SAN ANTONIO	TX	78219
COMMERCIAL CONTRACTORS INC	729 LINCOLN AVE	HOLLAND	MI	49423
COMO TECH INSPECTIONS INC	40 DEEP CREEK RD	MANHATTAN	KS	66502
CONLEY SPRINKLER INC	822 MAIN	PLEASANTON	KS	66075

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CONSTRUCTION MANAGEMENT INC	108 JACKMAN ST	GEORGETOWN	MA	01833
CONSTRUCTION MANAGEMENT SERVICES IN	216 LOUISIANA ST	LITTLE ROCK	AR	72201
CONSTRUCTION MARKET DATA GROUP INC	275 WASHINGTON ST	NEWTON	MA	02458
CONSTRUCTION SERVICES BRYANT INC	232 NEW YORK ST	WICHITA	KS	67214
CONSTRUCTORS INC	P O BOX 46417	BATON ROUGE	LA	70895
CONTRACT DEWATERING SERVICES INC	5820 W RIVERSIDE DR	SARANAC	MI	48881
COOPERS STEEL FABRICATORS	503 N HILLCREST DR	SHELBYVILLE	TN	37162
CORNERSTONE COMMERCIAL CONTRACTORS	1260 JERICO	CORNING	IA	50841
CORONA POWER SERVICES INC	5220 MINOLA DR	LITHONIA	GA	30038
CORONADO INC	1835 WALL ST	SALINA	KS	67401
COST OF WISCONSIN INC	4201 HWY P	JACKSON	WI	53037
COWARTS CONSTRUCTION COMPANY INC	223 AIRPORT RD	SALEM	AR	72576
CRANE CONSTRUCTION COMPANY LLC	343 WAINWRIGHT DR	NORTHBROOK	IL	60062
CREEK ELECTRIC INC	2811 W PAWNEE ST	WICHITA	KS	67213
CRONISTER & COMPANY INC	FORBES FIELD BL 281 UNT E	TOPEKA	KS	66619
CROSSLAND HEAVY CONTRACTORS INC	S HWY 69	COLUMBUS	KS	66275
CUNNINGHAM INC	112 6TH AVENUE W	OSKALOOSA	IA	52577
CUST O FAB FIELD SERVICE LLC	1900 N 161ST E AVE	TULSA	OK	74116
CUST O FAB TANK SERVICES LLC	1900 N 161ST E AVE	TULSA	OK	74116
CUSTOMER CARE SOLUTIONS	1 IRVINGTON CTR 700 KING	ROCKVILLE	MD	20850
CUTCO INC	RR 1 BOX 121	WYOMING	IL	61491
D & D PIPELINE CONSTRUCTION CO INC	4700 W HWY 117	SAPULPA	OK	74066
DALRYMPLE & CO	3675 S NOLAND RD STE 102	INDEPENDENCE	MO	64055
DANNYS CONSTRUCTION CO INCORPORATED	1066 WEST THIRD AVENUE	SHAKOPEE	MN	55379
DAVCO CORPORATION OF TENNESSEE	5384 POPLAR AVE STE 501	MEMPHIS	TN	38119
DAVE OSBORNE CONSTRUCTION CONTRACTI	15600 28TH AVE N	PLYMOUTH	MN	55447
DAVID A NICE BUILDERS INC	4571 WARE CREEK ROAD	WILLIAMSBURG	VA	23188
DAVIS ELECTRICAL CONSTRUCTORS INC	429 N MAIN ST	GREENVILLE	SC	29602
DCG PETERSON BROTHERS COMPANY	5005 S HWY 71	SIOUX RAPIDS	IA	50585
DDD COMPANY	8000 CORPORATE DR STE 100	LANDOVER	MD	20785
DELCO ELECTRIC INC	7615 N CLASSEN BLVD	OKLAHOMA CITY	OK	73116
DELPHI AUTOMOTIVE SYSTEMS HUMAN RESOURCES LLC	P O BOX 62410	PHOENIX	AZ	85082
DIAMOND CONSTRUCTION COMPANY	2000 N 18TH ST	QUINCY	IL	62301
DIAMOND ELECTRIC SERVICE INC	21325 W 105TH ST	OLATHE	KS	66061
DIAMOND SURFACE INC	13792 REIMER DR N	MAPLE GROVE	MN	55311
DIG AMERICA UTILITY CONTRACTING INC	606 25TH AVE SO STE 202	ST CLOUD	MN	56301
DIMENSIONAL TECHNOLOGY INC	6717 LINDEN LN	HUNTLEY	IL	60142
DIVINE INC	2310 REFUGEE RD	COLUMBUS	OH	43207
DL SMITH ELECTRICAL CONSTRUCTION INC	1405 SW 41ST ST	TOPEKA	KS	66609
DOBSON DAVIS COMPANY	8521 RICHARDS RD	LENEXA	KS	66215
DOME CORPORATION OF NORTH AMERICA	5450 EAST ST	SAGINAW	MI	48601

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DON BELL HOMES INC	11599 N RIDGEVIEW	OLATHE	KS	66061
DONALD E MCNABB COMPANY INC	31250 S MILFORD RD	MILFORD	MI	48381
DOSTER CONSTRUCTION CO INC	2619 COMMERCE BLVD	BHAM	AL	35210
DOUBLE O MASONRY INC	722 S 260TH ST	PITTSBURG	KS	66762
DUSTROL INC	GEN DEL	EL DORADO	KS	67042
DW PROEHL CONSTRUCTION INC	818 N HELEN AVE	SIOUX FALLS	SD	57104
EATHERLY CONSTRUCTORS INC	2204 W MARY ST	GARDEN CITY	KS	67846
ECHO CONSTRUCTION INC	14012 GILES RD	OMAHA	NE	68138
ECONOMY ELECTRICAL CONTRACTORS	101 CENTURY 21 DR #204	JACKSONVILLE	FL	32216
EDWARD KRAEMER & SONS INC	ONE PLAINVIEW RD	PLAIN	WI	53577
ELECTRICAL CONTROLS & SYSTEMS INC	P O BOX 100816	BIRMINGHAM	AL	35210
ELECTRICAL LINE SERVICES INC	14200 S TULSA DR	OKLAHOMA CITY	OK	73170
ELLIOTT ELECTRICAL INC	P O BOX 1039	BENTON	AR	72015
EMCO CHEMICAL DISTRIBUTORS INC	2100 COMMONWEALTH AVE	NORTH CHICAGO	IL	60064
EMPLOYEE RESOURCE ADMINISTRATION LP	10501 N CENTRAL EXPY #101	DALLAS	TX	75231
ENERGY DELIVERY SERVICES INC	3909 W FIFTH ST	CHEYENNE	WY	82003
ENERGY SYSTEMS GROUP LLC	101 PLAZA E BLVD 320	EVANSVILLE	IN	47715
ENTERPRISE STAFF SOLUTIONS INC	2926 RIDGEWAY RD	MEMPHIS	TN	38115
ENTRUP DRYWALL & PAINTING INC	1222 1/2 VERMONT	QUINCY	IL	62305
EQUUS METALS	1415 S JOPLIN AVE	TULSA	OK	74112
ER HOKE CONSTRUCTION CO INC	5 MILES W RTE 36	TUSCOLA	IL	61953
ERVIN CABLE CONSTRUCTION INC	260 N LINCOLN BLVD E	SHAWNEETOWN	IL	62984
EVCO NATIONAL INC	339 OLD ST LOUIS RD	WOOD RIVER	IL	62095
EXXEL PACIFIC INC	323A TELEGRAPH RD	BELLINGHAM	WA	98226
FABCON INCORPORATED	6111 WEST HIGHWAY 13	SAVAGE	MN	55378
FABCON LLC	3400 JACKSON PIKE	GROVE CITY	OH	43123
FALCON ELECTRIC INC	100 NORTH FIRST ST	CLARKSBURG	WV	26301
FARABEE MECHANICAL INC	P O BOX 1748	HICKMAN	NE	68372
FAYETTEVILLE PLUMBING & HEATING CO INC	P O BOX 1061	FAYETTEVILLE	AR	72702
FEDERAL FIRE PROTECTION INC	805 SECRETARY DR STE A	ARLINGTON	TX	76015
FIBREBOND RESOURCES INC	1300 DAVENPORT DR	MINDEN	LA	71055
FISHEL COMPANY THE	1810 ARLINGATE LN	COLUMBUS	OH	43228
FJW GROUP INC	905 W MITCHELL	ARLINGTON	TX	76013
FLOOR CRETE ENTERPRISES INC	6223 GEESNER DR	HOUSTON	TX	77041
FOLTZ CONSTRUCTION INC	BOX 38	PATOKA	IL	62875
FOLTZ WELDING PIPELINE MAINTENANCE	501 E CLINTON AVE	PATOKA	IL	62875
FORD CONTRACTING CORP	1307 E COURT ST	DYERSBURG	TN	38024
FREESEN INC	316 S PEARL	BLUFFS	IL	62621
GALACTIC TECHNOLOGIES INC	400 N LOOP 1604 E STE 210	SAN ANTONIO	TX	78232
GAMMA CONSTRUCTION COMPANY	2808 JOANEL	HOUSTON	TX	77027
GARY SANDERS MASONRY	109 AVE F	WEST POINT	IA	52656
GEISSLER ROOFING CO INC	612 S 3RD ST	BELLEVILLE	IL	62220

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GENE FRITZEL CONSTRUCTION COMPANY I	643 MASSACHUSETTS STE 300	LAWRENCE	KS	66044
GENE FRITZEL CONSTRUCTION SERVICES	628 VERNON	LAWRENCE	KS	66044
GEOPIER FOUNDATION CO MIDWEST	6336 HICKMAN STE 203	DES MOINES	IA	50322
GFV CONSTRUCTION CO	4535 MEADOWVIEW DR	LAKELAND	FL	33810
GIBRALTAR CONSTRUCTION CO INC	42 HUDSON ST STE A207	ANNAPOLIS	MD	21401
GINGHER PROCESS PIPING INC	3011 N MAIN ST	EAST PEORIA	IL	61611
GLEESON CONTRACTORS INC	2015 E 7TH ST	SIOUX CITY	IA	51105
GLENN H JOHNSON CONSTRUCTION CO	2521 GROSS POINT RD	EVANSTON	IL	60201
GLOBAL COMPUTER ASSOCIATES INC	30 TWO BRIDGES RD #110	FAIRFIELD	NJ	07004
GOERLICH ROOFING INC	4400 HARRISON	QUINCY	IL	62301
GOLEY INC	P O BOX 309	DUPO	IL	62239
GORDONS ENHANCED TECHNOLOGY MARKETING INC	4500 RATLIFF LN #108	ADDISON	TX	75001
GRAHAM CONSTRUCTION COMPANY	500 LOCUST ST	DES MOINES	IA	50309
GRAYLING INCORPORATED	10258 SANTA FE DR	OVERLAND PARK	KS	66212
GRAZZINI BROS COMPANY	620 16TH AVE S	MINNEAPOLIS	MN	55454
GREAT SOUTH CONSTRUCTION CO INC	2500 HWY 31 SOUTH	PELHAM	AL	35124
GREAT SOUTHWESTERN CONSTRUCTION INC	6880 SO I 25	CASTLE ROCK	CO	80104
GUS CONST CO INC	606 ANTIQUE COUNTRY DR	CASEY	IA	50048
H & H SYSTEMS & DESIGN INC	130 EAST MAIN ST	NEW ALBANY	IN	47150
H & L ELECTRIC INC	809 LEVEE DR STE G	MANHATTAN	KS	66502
H & M CONSTRUCTION CO INC	50 SECURITY DR	JACKSON	TN	38305
H&H DRYWALL SPECIALTIES INC	3727 E 31ST STR	TULSA	OK	74135
HANLIN RAINALDI CONSTRUCTION CORP	6610 SINGLETREE DR	COLUMBUS	OH	43229
HARBERT YEARGIN INC	105 EDINBURGH CR	GREENVILLE	SC	29607
HARDAWAY CONSTRUCTION CORP OF TENNE	615 MAIN STREET	NASHVILLE	TN	37206
HARMAN & SON CONSTRUCTION INC	1810 B EIGHTH AVE	FORT WORTH	TX	76110
HARNESS ROOFING INC	P O BOX 1382	HARRISON	AR	72601
HART PAINTING	2555 SW 50	OKLAHOMA CITY	OK	73119
HEALTHLINE INC	8687 VIADEVENTURE STE200	SCOTTSDALE	AZ	85258
HEBER E COSTELLO INC	609 COSTELLO ROAD	OAK GROVE	LA	71263
HEIDELBERG ENGINEERING INC	1499 POINSETTIA AVE #160	VISTA	CA	92081
HENDERSON ENGINEERS INC	8325 LENEXA DR STE 400	LENEXA	KS	66214
HENLEY CONSTRUCTION INC	2070 S HIGHWAY 65	HARRISON	AR	72602
HENNING CONSTRUCTION COMPANY	5870 MERLE HAY RD	JOHNSTON	IA	50131
HERITAGE HOUSING DEVELOPMENT INC	16133 VENTURA BLVD #965	ENCINO	CA	91436
HERMAN STEWART CONSTRUCTION & DEVEL	4550 FORBES BLVD	LANHAM	MD	20706
HINRICH'S GROUP INC THE	141 MARKET PL DR STE 105	FAIRVIEW HEIGHTS	IL	62208
HOFFMANN INC	6001 49TH ST S	MUSCATINE	IA	52761
HOGUE HORN & PASHMAN INC	922 MISSOURI	LAWRENCE	KS	66044
HOLIAN ASBSTS RMVL & ENCPSLTN CORP	7504 MEYER RD	SPRING GROVE	IL	60081
HOLLIS ROOFING INC	P O BOX 2229	COLUMBUS	MS	39704

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HOOPER CORPORATION	P O BOX 7455	MADISON	WI	53707
HORIZON GENERAL CONTRACTORS INC	7315 W ELIZABETH LN	FT WORTH	TX	76116
HORIZON GROUP INC	1325 N E BOND ST	PEORIA	IL	61603
HORIZONTAL BORING & TUNNELING CO	505 S RIVER AVE	EXETER	NE	68351
HOSPITALITY BUILDERS INC	PO BOX 1565	ABERDEEN	SD	57402
HUEGERICH CONSTRUCTION INC	512 N COURT	CARROLL	IA	51401
HUFF SEALING CORPORATION	HWY 15E	ALBION	IL	62806
HUSTON CONTRACTING INC	25640 W 143RD ST	OLATHE	KS	66061
HUTTON CONTRACTING CO INC	HWY 50	LINN	MO	65051
HY VEE WEITZ CONSTRUCTION LC	1501 50TH ST BLDG 1 #325	WEST DES MOINES	IA	50266
I & I CONSTRUCTION INC	21050 N BRADY ST STE A	DAVENPORT	IA	52804
IBERVILLE INSULATIONS INC	11637 SUN BELT CT	BATON ROUGE	LA	70809
ILLINI MECHANICAL INC	1024 LOWRY	PITTSFIELD	IL	62363
INDUSTRIAL MAINTENANCE CONTRACTORS INC	2301 GARDEN CITY HWY	MIDLAND	TX	79701
INDUSTRIAL POWER & PROCESS CORP	P O BOX 38995	GREENSBORO	NC	27438
INDUSTRIAL PROCESS TECHNOLOGY INC	2213 7TH AVE N	FARGO	ND	58108
INDUSTRY SERVICES CO INC	5550 TODD ACRES DR	MOBILE	AL	36619
INGRAM CONSTRUCTION COMPANY INC OF	173 HOY RD	MADISON	MS	39110
INSTITUTE OF NUCLEAR POWER OPERATIONS	700 GALLERIA PKWY	ATLANTA	GA	30339
INTEC SERVICES INC	454 LINK LN	FT COLLINS	CO	80522
INTERSTATES CONSTRUCTION SERVICES INCORPORATED	1520 INDUSTRIAL PARK	SIOUX CENTER	IA	51250
INTL BROTHERHOOD OF ELECTRICAL WORK	106 N MONROE ST	WEST FRANKFORT	IL	62896
IRBY CONSTRUCTION CO	817 S STATE ST	JACKSON	MS	39201
IVEY MECHANICAL CO A PARTNERSHIP	514 NORTH WELLS ST	KUSCIUSKO	MS	39090
IVF LABS LLC	2712 E SWASONT WAY	SALT LAKE CITY	UT	84117
J & J CONSTRUCTION & SUPPLY INC	1136 W KANSAS	MCPHERSON	KS	67460
J & J MAINTENANCE INC	3755 CAPITAL OF TX HWY S	AUSTIN	TX	78704
J W BUCK CONSTRUCTION CO INC	4103 FRANDFORD AVE	LUBBOCK	TX	79407
JAMES N GRAY CONSTRUCTION CO	250 W MAIN ST	LEXINGTON	KY	40507
JD FRANKS INC	1602 S BELTINE ROAD	DALLAS	TX	75253
JESCO INC	2020 MCCULLOUGH BLVD	TUPELO	MS	38801
JF BRENNAN CO INC	820 BAINBRIDGE ST	LA CROSSE	WI	54603
JOEL FRITZEL CONSTRUCTION CO.	3320 CLINTON PARKWAY CT	LAWRENCE	KS	66047
JOHANSEN DRAINAGE & TILE	RT 1 BOX 152	RULO	NE	68431
JOHN A PAPALAS & CO	1187 EMPIRE	LINCOLN PARK	MI	48146
JOHN E GREEN COMPANY	220 VICTOR AVE	HIGHLAND PARK	MI	48203
JOHN T JONES CONSTRUCTION CO	2213 7TH AVE NORTH	FARGO	ND	58108
JOHNSON INDUSTRIAL SERVICES INC	200 BENTLEY CIR	SHELBY	AL	35143
JOLLEY CONSTRUCTION COMPANY	6148 LEE HWY STE 200	CHATTANOOGA	TN	37421
JOMAX CONSTRUCTION COMPANY INC	S 281 HWY	GREAT BEND	KS	67530
JONES HYDROBLAST INC	P O BOX 309	ROYALTON	IL	62983

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JULIAN CONSTRUCTION COMPANY	15521 W 110TH ST	LENEXA	KS	66219
JULIUS KAAZ CONSTRUCTION COMPANY IN	716 CHEROKEE	LEAVENWORTH	KS	66048
K & M ELECTRICAL CONTRACTORS INC	940 COMMERCIAL SUITE B	ATCHISON	KS	66002
K & W COATING LLC	28898 HIGHWAY 13	ELKADER	IA	52043
KANSAS BUILDING SYSTEMS INC	1701 SW 41ST	TOPEKA	KS	66609
KASBOHM CUSTOM DRILLING INC	11404 OAKTON RD	SAVANNA	IL	61074
KAYTON ELECTRIC INC	PO BOX 27	HOLDREGE	NE	68949
KEARNEY & SON CONSTRUCTION INC	2500 NORTH 7TH ST	LAWRENCE	KS	66044
KEARNEY ELECTRIC INC	3609 E SUPERIOR AVE	PHOENIX	AZ	85040
KEELEY & SONS INC	5 LOISEL VILLAGE SHOP CTR	EAST ST LOUIS	IL	62203
KEITH AUSTIN	3001 WEDINGTON DR #106	FAYETTEVILLE	AR	72701
KELLEY DEWATERING & CONSTRUCTION CO	5175 CLAY AVENUE SW	WYOMING	MI	49548
KENJURA TILE INC	BOX 158	BRENHAM	TX	77834
KEOKUK CONTRACTORS INC	853 JOHNSON ST RD	KEOKUK	IA	52632
KESSLER CONSTRUCTION INC	13402 W 92ND ST	LENEXA	KS	66215
KG MOATS & SONS	9515 US HWY 63	EMMETT	KS	66422
KGL ASSOCIATES INC	759 ADAMS ST	DENVER	CO	80206
KILIAN CORPORATION THE	608 S INDEPENDENCE	MASCOUTAH	IL	62258
KING LAR COMPANY	2020 E OLIVE STREET	DECATUR	IL	62252
KINLEY CONSTRUCTION COMPANY	201 N UNION ST BNK RM 502	OLEAN	NY	14760
KINLEY CONSTRUCTION GROUP LP	4025 WOODLAND PK BLVD 410	ARLINGTON	TX	76013
KNICKERBOCKER CONSTRUCTION INC	4823 LAKEWOOD DR	NORWALK	IA	50211
KOSS CONSTRUCTION CO	4090 WESTOWN PKWY STE B	W DES MOINES	IA	50266
KUHLMAN REFRIGERATION INC	N56W16865 RIDGEWOOD 100	MENOMONEE FALLS	WI	53051
KURISU INTERNATIONAL INC	11125 SW BARBUR BL	PORTLAND	OR	97219
L & L INSULATION & SUPPLY CO	3305 SE DELAWARE AVE	ANKENY	IA	50021
L E BELL CONSTRUCTION COMPANY INC	1226 COUNTY ROAD 11	HEFLIN	AL	36264
L LYON DISTRIBUTING INC	5555 ST LOUIS MILLS BLVD	HAZELWOOD (X2)	MO	63042
LABFORCE SERVICES OF AMERICA INC	415 CROSSWAYS PARK DR	WOODBURY	NY	11797
LAKE CONTRACTING INC	4650 STONE CHURCH RD	ADDIEVILLE	IL	62214
LAKEVIEW CONSTRUCTION OF WISCONSIN	10505 CORPORATE DR #200	PLEASANT PRAIRI	WI	53158
LARRY COX CONSTRUCTION	50 FORT COX RD	HEBER SPRINGS	AR	72543
LEMAR CONSTRUCTION	2829 BRADY ST	DAVENPORT	IA	52803
LEVCO CDS INC	4277 HWY 162	GRANITE CITY	IL	62040
LG SERVICES LLC	1500 INTERNATIONAL DR	SPARTANBURG	SC	29302
LH SOWLES CO	2813 BRYANT AVE S	MINNEAPOLIS	MN	55408
LICAUSI CONSTRUCTION COMPANY	8301 W 125TH ST	OVERLAND PARK	KS	66213
LIFE SAFETY INC	12428 VETERANS MEM PKWY	LAFAYETTE	AL	36862
LIMBAUGH CONSTRUCTION CO INC	4186 HWY 162	GRANITE CITY	IL	62040
LIN R ROGERS ELECTRICAL CONTRACTORS	2050 MARCONI DR STE 200	ALPHARETTA	GA	30005
LINAWEAVER CONSTRUCTION INC	719 GILMAN RD	LANSING	KS	66043
LITTLE ROCK ELECTRICAL CONTRACTORS	13008 LAWSON RD	LITTLE ROCK	AR	72210

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LONGAN CONSTRUCTION COMPANY	1635 US HWY 59 N	GROVE	OK	74344
LPR CONSTRUCTION CO	1171 DES MOINES AVE	LOVELAND	CO	80537
LUNDA CONSTRUCTION CO	620 GEBHARDT RD	BLACK RIVER FAL	WI	54615
LVI ENVIRONMENTAL SERVICES	225 FENCL LANE	HILLSIDE	IL	60162
M A MORTENSON CO	700 MEADOW LN N	MINNEAPOLIS	MN	55422
MAGUIRE IRON INC	300 W WALNUT BOX 1446	SIOUX FALLS	SD	57101
MANSION AMERICA LLC	100 NORTH PINE STREET	PITTSBURGH	KS	66762
MARATHON BUILDERS INC	4144 N CENTRAL #660	DALLAS	TX	75204
MARRS ELECTRIC INC OF ARKANSAS	701 KAWNEER DR	SPRINGDALE	AR	72764
MASCO CONTRACTOR SERVICE CENTRAL INC	2339 BEVILLE RD	DAYTONA BEACH	FL	32119
MCBRIDE ELECTRIC INC	3215 E 9TH N	WICHITA	KS	67208
MCCARTIN MECHANICAL CONTRACTOR INC	2999 PARKWAY DR	DECATUR	IL	62526
MCKITTRICK CONSTRUCTION	13283 BLUEJACKET	OVERLAND PARK	KS	66225
MCMASTER CONSTRUCTION INC	138 NE 46TH	OKLAHOMA CITY	OK	73105
MCPHERSON WRECKING INC	2333 BARTON RD	GRANTVILLE	KS	66429
MEADOWS CONSTRUCTION CO INC	1014 FRONT ST	TONGANOXIE	KS	66086
MERIT GENERAL CONTRACTORS INC	950 KANSAS AVE	KANSAS CITY	KS	66105
METRIC VISION	8500 CINDER BED RD STE150	NEWINGTON	VA	22122
METROPOLITAN PAVEMENT SPECIALISTS LLC	14012 GILES RD	OMAHA	NE	68138
MEYERS TURF FARMS INC	19055 METCALF	STILWELL	KS	66085
MICHAEL CONSTRUCTION CO INC	SECONDARY RT 79 BOX 143	DRY BRANCH	WV	25061
MICRO PAVERS INC	127 FAUBER RD	E PEORIA	IL	61611
MID AMERICA ROOFING CONSTRUCTION &	1035 N 69 HWY	FRONTENAC	KS	66763
MID STATES ELECTRIC CO INC	P O BOX 156	S SIOUX CITY	NE	68776
MIDLAND WRECKING INC	15 HENNING	LENEXA	KS	66215
MIDWEST CONSTRUCTION SYSTEMS INC	100 MAIN ST STE 504	LITTLE ROCK	AR	72201
MIDWEST PUMP & EQUIPMENT CO	2300 S 7TH ST	LINCOLN	NE	68502
MIDWESTERN SERVICES INC	1913 7TH ST	SNYDER	TX	79549
MILLENNIUM BROKERAGE GROUP	611 COMMERCE ST S-2606	NASHVILLE	TN	37203
MILLER THE DRILLER	5125 E UNIVERSITY	DES MOINES	IA	50317
MILLERS PRO CUT	6410 W 72ND TERR	OVERLAND PARK	KS	66204
MILLS ELECTRICAL CONTRACTORS	2535 WALNUT HILL LN	DALLAS	TX	75229
MISSION TO THE AMERICAS	2530 WASHINGTON ST	DENVER	CO	80205
MISSOURI VALLEY INC	4614 MCCARTY BLVD	AMARILLO	TX	79110
MJM SERVICES INC	207 N 48TH ST	BELLEVILLE	IL	62223
MORRISSEY CONTRACTING CO	705 SOUTHMOOR PL	GODFREY	IL	62035
MOUNTAIN MECHANICAL CONTRACTORS INC	903 S SCHOOL	FAYETTEVILLE	AR	72701
MOWERY BACKHOE & TRENCHER SERVICE	25374 TONGANOXIE RD	LEAVENWORTH	KS	66048
MPH HOTELS INC	1801 MARTIN SPRINGS DR	ROLLA	MO	65401
MULANAX ELECTRIC INC	404 W DORCUS ST	ROLAND	OK	74954
MULTIMAX INC	1441 MCCORMICK DR	LARGO	MD	20774
MUNICIPAL PIPE TOOL COMPANY INC	515 5TH ST	HUDSON	IA	50643

<u>Contractor</u>	<u>Address</u>	<u>City</u>	<u>State</u>	<u>Zip</u>
MUNIE COMPANY	1000 MILBOURN SCHOOL ROAD	CASEYVILLE	IL	62232
MURPHY & SONS ROOFING	1010 NORTH 54TH ST	KANSAS CITY	KS	66102
MUSE EXCAVATION & CONSTRUCTION CO	504 S 8TH ST	ELWOOD	KS	66024
MUSTANG LINE CONTRACTORS INC	9105 N DIVISION ST STE A	SPOKANE	WA	99218
MYLES LORENTZ INC	48822 OLD RIVER BLUFF RD	ST PETER	MN	56082
NATGUN CORP	11 TEAL RD	WAKEFIELD	MA	01880
NATIONAL ABATEMENT CORPORATION	3080 N CENTER RD	FLINT	MI	48519
NATIONAL CONSTRUCTION SERVICES INC	520 LANCASTER AVE	FRAZER	PA	19355
NATIONAL STEEL ERECTORS	PO BOX 709	MUSKOGEE	OK	74402
NEBRASKA MIDWEST CONSTRUCTION COMPA	406 N 22ND ST	NEBRASKA CITY	NE	68410
NELSON INDUSTRIAL SERVICES INC	6021 MELROSE LN	OKLAHOMA CITY	OK	73127
NEW DIMENSION INC	631 E BIG BEAVER #109	TROY	MI	48083
NEWTRON INC	8183 W EL CAJON DR	BATON ROUGE	LA	70815
NHC CONSTRUCTION LLC	5960 DEARBORN STE 15	MISSION	KS	66202
NO FAULT INDUSTRIES INC	15556 PERKINS RD	BATON ROUGE	LA	70810
NORTH COAST 88 INC	170 EAST MAIN ST	NORWALK	OH	44857
NORTH MISSISSIPPI CONVEYOR COMPANY INC	HWY 7S LAFAYETTE CO RD370	OXFORD	MS	38655
NORTHERN CLEARING INC	1805 W MAIN ST	ASHLAND	WI	54806
NORTHLAND CONTRACTING INC	HIGHWAY 2 EAST	SHEVLIN	MN	56676
NORTHWEST ENERGY SYSTEMS INC	315 S GREGG ST	FAYETTEVILLE	AR	72701
NOVON CONSULTING CORP	10 SOUTH 5TH ST STE 835	MINNEAPOLIS	MN	55402
NUTRIJECT SYSTEMS INC	515 5TH ST	HUDSON	IA	50643
O & M SERVICES INC	207 E MAIN ST	FAIRFIELD	IL	62837
ODONNELL & SONS CONSTRUCTION CO INC	15301 BROADMOOR ST	OVERLAND PARK	KS	66223
OFALLON ELECTRIC COMPANY	P O BOX 488	OFALLON	IL	62269
OSTROM PAINTING & SANDBLASTING INC	1110-8TH AVE	ROCK ISLAND	IL	61201
OVERCASH ELECTRIC INC	2106 CHARLOTTE HWY	MOORESVILLE	NC	28117
P & P CONSTRUCTION CO	1132 E LINCOLN ST	RIVERTON	IL	62561
PAIGE TECHNOLOGIES LLC	5305 PIN OAK LAND	SEDALIA	MO	65301
PARADISE FIBERGLASS POOLS INC	3115 N ILL AVE	SWANSEA	IL	62226
PBM CONCRETE INC	311 LOWELL AVE	ELK RIVER	MN	55330
PERMANENT PAVING INC	8900 INDIAN CREEK PKWY	OVERLAND PARK	KS	66210
PETERSON CONSTRUCTION	1929 W 2ND ST	WEBSTER CITY	IA	50595
PETERSON CONTRACTORS INC	104 BLACKHAWK ST	REINBECK	IA	50669
PETTUS PLUMBING & PIPING INC	P O BOX 3237	MUSCLE SHOALS	AL	35662
PHARMANET INC	504 CARNEGIE CENTER	PRINCETON	NJ	08540
PHILLIPS & JORDAN INC	6621 WILBANKS RD	KNOXVILLE	TN	37912
PINNACLE CONSTRUCTION INC	203 N CHESTNUT ST	GLENWOOD	IA	51534
PIONEER GROUP INC	8600 JUNIPER LANE	PRAIRIE VILLAGE	KS	66207
PITTSBURG TANK & TOWER CO INC	515 PENNEL ST	HENDERSON	KY	42420
PIZZAGALLI CONSTRUCTION COMPANY	50 JOY DR	S BURLINGTON	VT	05407
PLASTOCOR INC	25 INDUSTRIAL PARK RD	HINGHAM	MA	02043

<u>Contractor</u>	<u>Address</u>	<u>City</u>	<u>State</u>	<u>Zip</u>
PLOWMAN CONSTRUCTION COMPANY INC	905 E PARK ST	OLATHE	KS	66061
PLUM RHINO CONSULTING LLC	1010 HUNTCLIFF STE 1350	ATLANTA	GA	30350
PNEUMATIC SYSTEMS INSTALLATION INC	10012 DARNELL	LENEXA	KS	66215
POLE MAINTENANCE CO LLC	4307 23RD ST	COLUMBUS	NE	68601
POWER OHMES CONSTRUCTION INC	33445 W 87TH CIRCLE	DE SOTO	KS	66018
PRECAST ERECTORS INC	3500 VALLEY VISTA DR	HURST	TX	76053
PRECISION ELECTRICAL CONTRACTORS INC	1977 LINCOLN WAY	WHITE OAK	PA	15131
PRIMARY RESIDENTIAL MORTGAGE INC	829 E CAVENDISH CIRCLE	SANDY	UT	84094
PRO QUIP CORPORATION	8522 E 61ST ST	TULSA	OK	74133
PROFORMANCE ELECTRIC INC	11201 W 59TH TER	SHAWNEE	KS	66203
PROGRESSIVE CONTRACTORS INC	14123 42ND ST NE	ST MICHAEL	MN	55376
PSF MECHANICAL INC	9322 14TH AVE SOUTH	SEATTLE	WA	98108
PULTE HOMES OF GREATER KANSAS CITY	8700 STATE LINE RD #309	LEAWOOD	KS	66206
PYRAMID CONTRACTORS INC	891 W IRONWOOD RD	OLATHE	KS	66061
QUALITY AWNING & CONSTRUCTION CO	7937 SCHAEFER RD	DEARBORN	MI	48126
QUALITY TRANSPORTATION SERVICES INC	5220 S CAMERON ST	LAS VEGAS	NV	89118
R & R ELECTRIC INC	HWY 75 N PO BOX 181	BRECKENRIDGE	MN	56520
R IZOKAITIS CONSTRUCTION INC	14817 GRANT ST	OMAHA	NE	68116
R MESSNER CONSTRUCTION CO INC	3595 N WEBB RD #500	WICHITA	KS	67226
R N HARRIS CONSTRUCTION CO	3200 HASKELL AVE STE 140	LAWRENCE	KS	66046
RADIOLOGY STAFFING INC	13705 B ST	OMAHA	NE	68144
RANGER PLANT CONSTRUCTIONAL CO INC	5851 E US HIGHWAY 80	ABILENE	TX	79601
RCS CONSTRUCTION INC	197 OLD ST LOUIS RD	WOOD RIVER	IL	62095
RDC MANUFACTURING INC	200 LUKKEN INDUSTRIAL DR	LA GRANGE	GA	30240
REASONS CONSTRUCTION COMPANY INC	3825 EAST END DR	HUMBOLDT	TN	38343
RECOR SERVICES INC	4122 NE 185TH AVE	PORTLAND	OR	97230
REDDINGER CONSTRUCTORS INC	6301 OLD BOONVILLE HWY	EVANSVILLE	IN	47715
REDNOUR STEEL ERECTORS INC	HWY 150	CUTLER	IL	62238
RENIER CONSTRUCTION CORPORATION	2164 CITY GATE DRIVE	COLUMBUS	OH	43219
RESERV CONSTRUCTION CO INC	7101 SHARONDALE CT #200	BRENTWOOD	TN	37027
RETAIL CONSTRUCTION SERVICES INC	11343 39TH ST N	ST PAUL	MN	55042
RETAIL PLANNING & CONSTRUCTION INC	735 BIRCH AVE	BENSALEM	PA	19020
RETAIL STOREFRONT GROUP INC	419 MIAMI AVE	LEEDS	AL	35094
REVENUE SOLUTIONS INC	752 WASHINGTON ST	PEMBROKE	MA	02359
RFB CONSTRUCTION CO INC	3222 NW 160 HWY	CHEROKEE	KS	66724
RICHARD GOETTLE INC	12071 HAMILTON AVE	CINCINNATI	OH	45231
RJ PITCHER INC	4575 BUCKLEY RD	LIVERPOOL	NY	13088
RMP INC	PO BOX 16141	SHAWNEE	KS	66203
ROBERT W BRITZ PAINTING COMPANY INC	14272 FRAZEE RD	DIVERNON	IL	62530
ROD BUSTERS INC	624 S MISSOURI ST STE 100	INDIANAPOLIS	IN	46225
ROGERS PREMIER UNLOADING SERVICES	3801 SUNSET AVE	ROCKY MOUNT	NC	27804
ROLLING PLAINS CONSTRUCTION INC	12153 MOLINE STR	HENDERSON	CO	80640

<u>Contractor</u>	<u>Address</u>	<u>City</u>	<u>State</u>	<u>Zip</u>
ROOF MAINTENANCE SERVICES INC	#8 COMMODORE DRIVE	BELLEVILLE	IL	62223
ROSE LAN CONTRACTORS INC	820 CHEYENNE AVE	KANSAS CITY	KS	66105
ROYAL ELECTRIC CONSTRUCTION INC	7905 MONTICELLO RD	SHAWNEE MISSION	KS	66203
RUPP MASONRY CONSTRUCTION CO	1501 N 18TH STREET	QUINCY	IL	62301
RUSSELL CONSTRUCTION CO	3032 A NORTH FRAZIER ST	CONROE	TX	77303
RUSSIAN CONCRETE CONSTRUCTION	1133 S 205TH	PITTSBURG	KS	66762
RYAN FLOORS INC	305 CARL STREET	ROCKVILLE	MD	20851
S A COMUNALE CO INC	2900 NEWPARK DR	BARBERTON	OH	44203
SA SMITH ELECTRIC INC	525 JERSEY ST	QUINCY	IL	62301
SAGEZ CONSTRUCTION INC	HC61 BOX 17	HARDIN	IL	62047
SARGENT ELECTRIC CO	28TH ST & LIBERTY AVE	PITTSBURGH	PA	15222
SAULSBURY ELECTRIC CO INC	5308 ANDREWS HWY	ODESSA	TX	79762
SCI GENERAL CONTRACTORS INC	4530 BARKSDALE BLVD STE C	BOSSIER CITY	LA	71112
SEAWARD CONSTRUCTION COMPANY INC	RT 236	KITTERY	ME	03904
SENECA ELECTRIC	4140 NE 14TH STREET	DES MOINES	IA	50313
SERRAULT SERVICES OF KANSAS INC	7625 LAKESIDE AVE	MANHATTEN	KS	66502
SERVICEMASTER DESIGN BUILD LLC	8615 FREEPORT PKWY 5-100	IRVING	TX	75063
SGT LTD I	3407 TORREY RD	FLINT	MI	48507
SHAWNEE MISSION TREE SERVICE INC	8250 COLE PKWY	SHAWNEE MSN	KS	66227
SHAY ROOFING INC	1999 S 59TH ST	BELLEVILLE	IL	62223
SHILOH STEEL FABRICATORS INC	200 EAST HWY 264	SPRINGDALE	AR	72764
SIERRA BRAVO INC	7038 STATE HWY 154	SESSER	IL	62884
SKYLIGHT MANUFACTURING INC	1208 ALDINE MAIL RD	HOUSTON	TX	77039
SLUDGE TECHNOLOGY INC	8101 W 33RD STREET S	MUSKOGEE	OK	74401
SNELL NORTHCUTT ELECTRIC INC	P O BOX 24601	LITTLE ROCK	AR	72221
SOONER BUILDERS & INVESTMENTS INC	26005 E ADMIRAL	CATOOSA	OK	74015
SPARKS & VIEWEL CONSTRUCTION CO	6200 BROADWAY	QUINCY	IL	62301
SPARROW PLUMBING & HEATING INC	313 DELAWARE	QUINCY	IL	62301
SPINIELLO COMPANIES	35 AIRPORT RD	MORRISTOWN	NJ	07962
SPINIELLO LIMITED INC	35 AIRPORT RD	MORRISTOWN	NJ	07962
SPORTS METALS INC	P O BOX 1338	PHENIX CITY	AL	36868
STANDARD ELECTRIC CO INC	2006 PRAIRIE CIRCLE DR	OLATHE	KS	66062
STELLAR GROUP INC	2900 HARTLEY RD	JACKSONVILLE	FL	32257
STORY ENTERPRISES INC	7735 WASHINGTON AVE STE G	KANSAS CITY	KS	66112
STRATEGIC INFORMATION SOLUTIONS	20 N CLARK ST STE 1650	CHICAGO	IL	60602
STRAUB CONSTRUCTION CO INC	10575 WIDMER	LENEXA	KS	66215
STRINGER CONSTRUCTION COMPANY INC	6141 LUCILE AVE	SHAWNEE	KS	66203
STRUKEL ELECTRIC INC	1375 W WALNUT ST	GIRARD	KS	66743
STUEVE CONSTRUCTION COMPANY	2201 E OAK ST	ALGONA	IA	50511
SUMMIT CONTRACTORS INC	1900 SWOPE DR	INDEPENDENCE	MO	64055
SUNLAND CONSTRUCTION INC	HWY 13 SOUTH	EUNICE	LA	70535
SUPERIOR FLOORS INC	3225 N PROSPECT RD	PEORIA	IL	61603

<u>Contractor</u>	<u>Address</u>	<u>City</u>	<u>State</u>	<u>Zip</u>
SURFACE PREPARATION TECHNOLOGIES INC	81 TEXACO ROAD	MECHANICSBURG	PA	17055
SW FRANKS CONSTRUCTION CO	2070 WEST 3RD ST	CLEVELAND	OH	44113
SW HUFFMAN CONSTRUCTION INC	PO BOX 99	OTTUMWA	IA	52501
SWANSTON EQUIPMENT COMPANY	3404 MAIN AVE	FARGO	ND	58103
SYRSTONE INC	201 S MAIN ST	NORTH SYRACUSE	NY	13212
TAFT CONTRACTING CO INC	9000 W 67TH	HODGKINS	IL	60525
TANCO ENGINEERING INCORPORATED	1030 BOSTON AVE	LONGMONT	CO	80501
TEAM INOVIS INC	110 E WILSON BRIDGE RD	WORTHINGTON	OH	43085
TECH BUILDERS INC	410 DOWNTOWN PLZ	FAIRMONT	MN	56031
TEFCO INC	11022 SAWMILL RD	ELBERFELD	IN	47613
TERRA ENGINEERING & CONSTRUCTION CORPORATION	2201 VONDRON RD	MADISON	WI	53718
TEXAS COMMERCIAL FENCE INC	320 SOUTHLAND DR	BURNET	TX	78611
TEXAS STONE & TILE INC	2683 LOMBARDY LN	DALLAS	TX	75220
THIEMS CONSTRUCTION CO INC	P O BOX 386	EDWARDSVILLE	IL	62025
THIRD GENERATION ELECTRICAL INC	10806 S HOUSTON AVE	JENKS	OK	74037
THOMAS L BEAR CONSTRUCTION INC	14758 202ND ST	BLOOMFIELD	IA	52537
THOMPSON ELECTRIC COMPANY OF OMAHA	P O BOX 207	SIOUX CITY	IA	51102
TIC THE INDUSTRIAL COMPANY	40185 ROUTT COUNTY RD 129	STEAMBOAT SPRGS	CO	80477
TITAN CONTRACTING & LEASING CO INC	2205 RAGU DRIVE	OWENSBORO	KY	42302
TMI COATINGS INC	2805 DODD RD	EAGAN	MN	55121
TNT CONSTRUCTION CO INC	144 EASY ST	CAROL STREAM	IL	60188
TOAN INC	5320 SPEAKER ROAD	KANSAS CITY	KS	66106
TONTO CONSTRUCTION INC	HWY 16 W 78TH ST	MUSKOGEE	OK	74401
TOWER MECHANICAL SERVICES	2125 W 20TH AVE	OSHKOSH	WI	54904
TRAC WORK INC	303 W KNOX	ENNIS	TX	75119
TRAYLOR BROS INC	835 N CONGRESS AVE	EVANSVILLE	IN	47715
TRI STATE BUILDING SUPPLY CO INC	N HWY 69	PITTSBURG	KS	66762
TRI STATE PAVING INC	STATE LINE RD	PICHER	OK	74360
TRI STATE SIGNING	509 BAILEY AVE	NEW HAMPTON	IA	50659
TRIDAQ INC	1011 LEAVENWORTH	OMAHA	NE	68102
TRIGON ENGINEERING INC	475 17TH ST STE 300	DENVER	CO	80202
TRILLION ENTERPRISES INC	9346 W COAL MINE AVE	LITTLETON	CO	80123
TSC OF KANSAS INC	2200 W 75TH ST STE 15	PRAIRIE VILLAGE	KS	66208
TULSA DYNASPAWN INC	1601 E HOUSTON ST	BROKEN ARROW	OK	74012
TWEEDY CONTRACTORS INC	CORNER OF PYBURN & HOELSC	POCAHONTAS	AR	72455
TWIN CITY POOLS INC	948 KANSAS AVE	KANSAS CITY	KS	66105
UNITED EXCEL CORPORATION	8041 W 47 ST STE 100	OVERLAND PARK	KS	66204
UNIVERSAL CONTRACTING CO	1207 LUCAS	BURLINGTON	IA	52601
UNIVERSAL LIMITED INC	932 ALTON PARKWAY	BIRMINGHAM	AL	35210
US ASPHALT CO	14012 GILES RD	OMAHA	NE	68138
VAUGHN ELECTRIC CO INC	313 E FLORIDA AVE	UNION CITY	TN	38261

<u>Contractor</u>	<u>Address</u>	<u>City</u>	<u>State</u>	<u>Zip</u>
VERSENT GROUP LLC	13608 W 95TH ST	LENEXA	KS	66215
VINTAGE SPORTS CARDS INC	410 S TRADE CNTR PKWY #A8	CONROE	TX	77385
VOLTEK INC	11635 SOUTH HOMESTEAD LAN	OLATHE	KS	66061
VON ALST INC	2416 SMELTING WORKS RD	SWANSEA	IL	62226
VON ROLL INC	3080 NORTHWOODS CIR STE 2	NORCROSS	GA	30071
W G YATES & SONS CONSTRUCTION COMPA	104 GULLY AVENUE	PHILADELPHIA	MS	39350
WACHTER ELECTRIC COMPANY	16001 W 99TH ST	LENEXA	KS	66219
WADE & ASSOCIATES INC	2500 W 6TH ST STE E	LAWRENCE	KS	66049
WALKER CONSTRUCTION CO INC	HWY 50 TO KAHOLA LAKE RD	EMPORIA	KS	66801
WALT WAGNER CONSTRUCTION INC	305 S 5TH ST	LEAVENWORTH	KS	66048
WALTER CONSTRUCTION USA INC	441 SW 41ST ST	RENTON	WA	98055
WASATCH ELECTRIC A DIVISION OF DYNA	1420 SPRING HILL RD SE500	MCLEAN	VA	22102
WEATHERCRAFT COMPANY OF GRAND ISLAND	312 NORTH ELM STREET	GRAND ISLAND	NE	68801
WEATHERCRAFT COMPANY OF LINCOLN	545 J ST	LINCOLN	NE	68508
WEBB ELECTRIC COMPANY	34375 W 12 MILE RD	FARMINGTON HILL	MI	48331
WEBER AIR CONDITIONING CO INC	2501 CONE DR	TARRANT	AL	35217
WEITZ COMPANY LLC THE	400 LOCUST STE 300	DES MOINES	IA	50309
WELLS & WEST INC	VALLEY VILLAGE SHOPPING C	MURPHY	NC	28906
WELSH COMPANIES	8200 NORMANDALE BLVD #200	MINNEAPOLIS	MN	55437
WESSELS CONSTRUCTION CO INC	1800 DES PLAINES AVE	FOREST PARK	IL	61030
WEST SIDE MECHANICAL INC	P O BOX 11247	KANSAS CITY	KS	66111
WESTERN CAROLINA PLUMBING	25 SANDTRAP RD	WAYNESVILLE	NC	28786
WESTERN INDUSTRIAL CONTRACTORS INC	5301 JOLIET ST	DENVER	CO	80239
WESTERN SUMMIT CONSTRUCTORS INC	5470 VALLEY HWY	DENVER	CO	80216
WESTIN CONSTRUCTION COMPANY	10828 NESBITT AVE SO	BLOOMINGTON	MN	55437
WHITE MOUNTAIN CABLE CONSTRUCTION C	OLD DOVER RD	EPSOM	NH	03234
WHITING TURNER CONTRACTING CO THE	300 E JOPPA RD	BALTIMORE	MD	21286
WILLIAMS ELECTRIC CO INC	695 DENTON BLVD	FORT WALTON BEA	FL	32547
WINTER CONSTRUCTION INC	1/4 M E ON 54 SOUTH	FORT SCOTT	KS	66701
WOODS CONSTRUCTION INC	6396 PRODUCT DRIVE	STERLING HEIGHTS	MI	48312
WR NEWMAN & ASSOCIATES INC	2854 LOGAN ST	NASHVILLE	TN	37211
WS BOWLWARE CONSTRUCTION INC	3140 W BRITTON RD STE 204	OKLAHOMA CITY	OK	73120
YAZAKI EDS ENGINEERING INC	6800 HAGGERTY RD	CANTON	MI	48187
ZIMMERMAN CONSTRUCTION COMPANY INC	11005 W 126TH ST	OVERLAND PARK	KS	66213

Updated: 8/6/2004 1:25:04 PM

This cumulative table gives you the latest status of rules. It contains citations of rulemakings adopted or proposed after deadline for the monthly Update Service to the *Code of State Regulations*, citations are to volume and page number in the *Missouri Register*, except for material in this issue. The first number in the table cite refers to the volume number or the publication year—27 (2002), 28 (2003) and 29 (2004). MoReg refers to *Missouri Register* and the numbers refer to a specific *Register* page, R indicates a rescission, W indicates a withdrawal, S indicates a statement of actual cost, T indicates an order terminating a rule, N.A. indicates not applicable, RUC indicates a rule under consideration, and F indicates future effective date.

Rule Number	Agency	Emergency	Proposed	Order	In Addition
OFFICE OF ADMINISTRATION					
1 CSR 10	State Officials' Salary Compensation Schedule				27 MoReg 189 27 MoReg 1724 28 MoReg 1861
1 CSR 10-4.010	Commissioner of Administration		28 MoReg 1557		
1 CSR 15-3.350	Administrative Hearing Commission		29 MoReg 1048		
1 CSR 15-3.380	Administrative Hearing Commission		29 MoReg 1049		
1 CSR 15-3.420	Administrative Hearing Commission		29 MoReg 1049		
1 CSR 15-3.440	Administrative Hearing Commission		29 MoReg 1049		
1 CSR 15-3.480	Administrative Hearing Commission		29 MoReg 1050		
1 CSR 20-4.010	Personnel Advisory Board and Division of Personnel		29 MoReg 577	29 MoReg 1248	
DEPARTMENT OF AGRICULTURE					
2 CSR 30-1.010	Animal Health		29 MoReg 584	29 MoReg 1316	
2 CSR 30-1.020	Animal Health		29 MoReg 584	29 MoReg 1316	
2 CSR 30-2.020	Animal Health	29 MoReg 571	29 MoReg 584	This Issue	
2 CSR 30-2.040	Animal Health	29 MoReg 572	29 MoReg 585	This Issue	
2 CSR 30-3.020	Animal Health	29 MoReg 573	29 MoReg 586	This Issue	
2 CSR 30-6.020	Animal Health	29 MoReg 573	29 MoReg 586	This Issue	
2 CSR 80-5.010	State Milk Board		29 MoReg 709	29 MoReg 1248	
DEPARTMENT OF CONSERVATION					
3 CSR 10-5.205	Conservation Commission		29 MoReg 885	29 MoReg 1248	
3 CSR 10-5.352	Conservation Commission		29 MoReg 885	29 MoReg 1248	
3 CSR 10-5.353	Conservation Commission		29 MoReg 886R	29 MoReg 1249R	
3 CSR 10-5.425	Conservation Commission		29 MoReg 886	29 MoReg 1249	
3 CSR 10-5.552	Conservation Commission		29 MoReg 888	29 MoReg 1249	
3 CSR 10-5.553	Conservation Commission		29 MoReg 888R	29 MoReg 1249R	
3 CSR 10-5.554	Conservation Commission		29 MoReg 888	29 MoReg 1249	
3 CSR 10-7.410	Conservation Commission		29 MoReg 1291		
3 CSR 10-7.440	Conservation Commission		N.A.	29 MoReg 1249	
3 CSR 10-7.450	Conservation Commission		29 MoReg 1091		
3 CSR 10-7.455	Conservation Commission		29 MoReg 890	29 MoReg 1316	
3 CSR 10-11.186	Conservation Commission		29 MoReg 1091		
3 CSR 10-12.130	Conservation Commission		29 MoReg 1092		
3 CSR 10-12.140	Conservation Commission		29 MoReg 1092		
3 CSR 10-12.155	Conservation Commission		29 MoReg 1092		
3 CSR 10-20.805	Conservation Commission		29 MoReg 1093		
			29 MoReg 1291		
DEPARTMENT OF ECONOMIC DEVELOPMENT					
4 CSR 15-1.030	Acupuncturist Advisory Committee		29 MoReg 627	29 MoReg 1199	
4 CSR 15-2.020	Acupuncturist Advisory Committee		29 MoReg 629	29 MoReg 1199	
4 CSR 15-3.010	Acupuncturist Advisory Committee		29 MoReg 629	29 MoReg 1199	
4 CSR 15-4.020	Acupuncturist Advisory Committee		29 MoReg 630	29 MoReg 1199	
4 CSR 30-2.040	Missouri Board for Architects, Professional Engineers, Professional Land Surveyors, and Landscape Architects		29 MoReg 632	29 MoReg 1250W	
4 CSR 30-11.025	Missouri Board for Architects, Professional Engineers, Professional Land Surveyors, and Landscape Architects		29 MoReg 632	29 MoReg 1200	
4 CSR 40-2.021	Office of Athletics		29 MoReg 1093	This Issue	
4 CSR 40-5.030	Office of Athletics		29 MoReg 1094	This Issue	
4 CSR 65-1.020	Endowed Care Cemeteries		29 MoReg 1161R		
4 CSR 65-1.030	Endowed Care Cemeteries		29 MoReg 1161		
4 CSR 65-1.050	Endowed Care Cemeteries		29 MoReg 1162		
4 CSR 65-2.010	Endowed Care Cemeteries		29 MoReg 1162		
4 CSR 70-2.031	State Board of Chiropractic Examiners		29 MoReg 711	29 MoReg 1251	
4 CSR 90-2.010	State Board of Cosmetology		29 MoReg 1292		
4 CSR 90-2.020	State Board of Cosmetology		29 MoReg 1299		
4 CSR 90-2.030	State Board of Cosmetology		29 MoReg 1299		
4 CSR 90-4.010	State Board of Cosmetology		29 MoReg 1300		
4 CSR 90-13.010	State Board of Cosmetology		29 MoReg 1303		
4 CSR 100	Division of Credit Unions				29 MoReg 680 29 MoReg 859 29 MoReg 920 29 MoReg 1061 29 MoReg 1322

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4 CSR 110-2.085	Missouri Dental Board		29 MoReg 1162		
4 CSR 110-2.111	Missouri Dental Board		29 MoReg 1163		
4 CSR 110-2.130	Missouri Dental Board		29 MoReg 890		
4 CSR 110-3.010	Missouri Dental Board		29 MoReg 636	29 MoReg 1200	
4 CSR 110-3.020	Missouri Dental Board		29 MoReg 636	29 MoReg 1200	
4 CSR 110-3.030	Missouri Dental Board		29 MoReg 636	29 MoReg 1200	
4 CSR 110-3.040	Missouri Dental Board		29 MoReg 640	29 MoReg 1200	
4 CSR 110-3.050	Missouri Dental Board		29 MoReg 640	29 MoReg 1200	
4 CSR 120-2.080	State Board of Embalmers and Funeral Directors		29 MoReg 193	29 MoReg 915W	
			29 MoReg 890	29 MoReg 1252	
4 CSR 150-2.125	State Board of Registration for the Healing Arts		29 MoReg 781	29 MoReg 1317	
4 CSR 150-2.153	State Board of Registration for the Healing Arts		29 MoReg 781		
4 CSR 150-4.040	State Board of Registration for the Healing Arts		29 MoReg 785	29 MoReg 1317	
4 CSR 150-4.053	State Board of Registration for the Healing Arts		29 MoReg 785	29 MoReg 1317	
4 CSR 150-4.205	State Board of Registration for the Healing Arts		29 MoReg 785	29 MoReg 1317	
4 CSR 165-2.010	Board of Examiners for Hearing Instrument Specialists		29 MoReg 641	29 MoReg 1201	
4 CSR 200-4.020	State Board of Nursing		29 MoReg 641	29 MoReg 1201	
4 CSR 205-4.010	Missouri Board of Occupational Therapy		29 MoReg 1164		
4 CSR 210-2.080	State Board of Optometry		29 MoReg 642	29 MoReg 1201	
4 CSR 210-2.081	State Board of Optometry		29 MoReg 643R	29 MoReg 1201R	
4 CSR 220-2.100	State Board of Pharmacy		29 MoReg 713	29 MoReg 1252	
4 CSR 220-3.040	State Board of Pharmacy		29 MoReg 970		
4 CSR 220-4.010	State Board of Pharmacy		29 MoReg 973		
4 CSR 220-4.020	State Board of Pharmacy		29 MoReg 973R		
4 CSR 235-1.020	State Committee of Psychologists		29 MoReg 643	29 MoReg 1201	
4 CSR 235-1.050	State Committee of Psychologists		29 MoReg 644	29 MoReg 1201	
4 CSR 240-3.020	Public Service Commission		29 MoReg 717		
4 CSR 240-3.510	Public Service Commission		29 MoReg 717		
4 CSR 240-3.520	Public Service Commission		29 MoReg 718		
4 CSR 240-3.525	Public Service Commission		29 MoReg 721		
4 CSR 240-3.530	Public Service Commission		29 MoReg 724		
4 CSR 240-3.535	Public Service Commission		29 MoReg 727		
4 CSR 240-3.545	Public Service Commission		29 MoReg 369R	29 MoReg 1252R	
			29 MoReg 369	29 MoReg 1252	
4 CSR 240-3.555	Public Service Commission		29 MoReg 374	29 MoReg 1256	
4 CSR 240-3.560	Public Service Commission		29 MoReg 730		
4 CSR 240-3.565	Public Service Commission		29 MoReg 730		
4 CSR 240-13.015	Public Service Commission		29 MoReg 731	29 MoReg 1317	
4 CSR 240-13.055	Public Service Commission		29 MoReg 786	This Issue	
4 CSR 240-32.060	Public Service Commission		28 MoReg 2147		
4 CSR 240-32.200	Public Service Commission	29 MoReg 459	29 MoReg 646	29 MoReg 1257	
4 CSR 240-33.010	Public Service Commission		29 MoReg 374	29 MoReg 1259	
4 CSR 240-33.020	Public Service Commission		29 MoReg 374	29 MoReg 1259	
4 CSR 240-33.030	Public Service Commission		29 MoReg 376R	29 MoReg 1260R	
4 CSR 240-33.040	Public Service Commission		29 MoReg 376	29 MoReg 1260	
4 CSR 240-33.060	Public Service Commission		29 MoReg 377	29 MoReg 1261	
4 CSR 240-33.070	Public Service Commission		29 MoReg 381	29 MoReg 1263	
4 CSR 240-33.080	Public Service Commission		29 MoReg 381	29 MoReg 1264	
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4 CSR 240-33.160	Public Service Commission		29 MoReg 732		
4 CSR 240-120.085	Public Service Commission		29 MoReg 1164		
4 CSR 240-120.135	Public Service Commission		29 MoReg 1167R		
4 CSR 240-121.185	Public Service Commission		29 MoReg 1167R		
4 CSR 240-123.075	Public Service Commission		29 MoReg 1167R		
4 CSR 240-123.095	Public Service Commission		29 MoReg 1167		
4 CSR 245-4.060	Real Estate Appraisers		29 MoReg 1170		
4 CSR 245-5.020	Real Estate Appraisers		29 MoReg 1173		
4 CSR 245-5.030	Real Estate Appraisers		29 MoReg 1175		
4 CSR 245-9.010	Real Estate Appraisers		29 MoReg 1175		
4 CSR 263-1.035	State Committee for Social Workers		29 MoReg 651	29 MoReg 1202	
4 CSR 263-2.032	State Committee for Social Workers		29 MoReg 653	29 MoReg 1202	
4 CSR 263-2.045	State Committee for Social Workers		29 MoReg 653	29 MoReg 1202	
4 CSR 263-2.047	State Committee for Social Workers		29 MoReg 654	29 MoReg 1202	
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4 CSR 263-2.062	State Committee for Social Workers		29 MoReg 654	29 MoReg 1203	
4 CSR 263-2.082	State Committee for Social Workers		29 MoReg 1175		
4 CSR 263-2.085	State Committee for Social Workers		29 MoReg 655	29 MoReg 1203	
4 CSR 263-2.090	State Committee for Social Workers		29 MoReg 655	29 MoReg 1203	
4 CSR 263-3.010	State Committee for Social Workers		29 MoReg 1180		
4 CSR 263-3.020	State Committee for Social Workers		29 MoReg 655	29 MoReg 1203	
4 CSR 263-3.040	State Committee for Social Workers		29 MoReg 656	29 MoReg 1203	
4 CSR 263-3.060	State Committee for Social Workers		29 MoReg 1180		
4 CSR 263-3.080	State Committee for Social Workers		29 MoReg 1180		

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4 CSR 263-3.120	State Committee for Social Workers		29 MoReg 1182		
4 CSR 263-3.140	State Committee for Social Workers		29 MoReg 657	29 MoReg 1204	29 MoReg 1323
4 CSR 265-2.060	Division of Motor Carrier and Railroad Safety				29 MoReg 1323
4 CSR 270-4.042	Missouri Veterinary Medical Board		29 MoReg 1182		
4 CSR 270-4.050	Missouri Veterinary Medical Board		29 MoReg 1183		
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5 CSR 30-4.030	Division of Administrative and Financial Services				29 MoReg 1218
5 CSR 50-345.020	Division of School Improvement				29 MoReg 859
5 CSR 50-345.100	Division of School Improvement		29 MoReg 1183		
5 CSR 50-345.200	Division of School Improvement		29 MoReg 1186		
5 CSR 80-805.015	Teacher Quality and Urban Education		29 MoReg 791		
5 CSR 80-805.016	Teacher Quality and Urban Education		29 MoReg 793R		
5 CSR 90-5.400	Vocational Rehabilitation		29 MoReg 1187		
5 CSR 90-5.460	Vocational Rehabilitation		29 MoReg 1187		
5 CSR 90-5.470	Vocational Rehabilitation		29 MoReg 1188		
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5 CSR 90-7.200	Vocational Rehabilitation		29 MoReg 1052		
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5 CSR 90-7.310	Vocational Rehabilitation		29 MoReg 1053		
5 CSR 90-7.320	Vocational Rehabilitation		29 MoReg 1053		
5 CSR 100-200.045	Missouri Commission for the Deaf and Hard of Hearing	29 MoReg 963			
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7 CSR 10-17.010	Missouri Highways and Transportation Commission		28 MoReg 1563		
7 CSR 10-25.040	Missouri Highways and Transportation Commission		This Issue		
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8 CSR 10-3.010	Division of Employment Security		29 MoReg 793	29 MoReg 1318	
8 CSR 10-3.020	Division of Employment Security		29 MoReg 794R	29 MoReg 1318R	
8 CSR 30-3.060	Division of Labor Standards		29 MoReg 1192		
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9 CSR 10-5.190	Director, Department of Mental Health		29 MoReg 735	29 MoReg 1265	
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9 CSR 30-3.201	Certification Standards		29 MoReg 1096		
9 CSR 30-3.202	Certification Standards		29 MoReg 1096		
9 CSR 30-3.204	Certification Standards		29 MoReg 1097		
9 CSR 30-3.206	Certification Standards		29 MoReg 1097		
9 CSR 30-3.208	Certification Standards		29 MoReg 1099		
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10 CSR 10-6.060	Air Conservation Commission		29 MoReg 974		
10 CSR 10-6.061	Air Conservation Commission		29 MoReg 1193		
10 CSR 10-6.110	Air Conservation Commission		29 MoReg 976		
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10 CSR 10-6.410	Air Conservation Commission		29 MoReg 985		
10 CSR 25-17.010	Hazardous Waste Management Commission		29 MoReg 794		
10 CSR 25-17.020	Hazardous Waste Management Commission		29 MoReg 795		
10 CSR 25-17.030	Hazardous Waste Management Commission		29 MoReg 796		
10 CSR 25-17.040	Hazardous Waste Management Commission		29 MoReg 797		
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10 CSR 25-17.080	Hazardous Waste Management Commission		29 MoReg 817		
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10 CSR 40-10.030	Land Reclamation Commission		29 MoReg 1304		
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10 CSR 40-10.050	Land Reclamation Commission		29 MoReg 205 29 MoReg 1306	29 MoReg 1213	
10 CSR 40-10.060	Land Reclamation Commission		29 MoReg 1307		
10 CSR 40-10.070	Land Reclamation Commission		29 MoReg 1308		
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10 CSR 40-10.100	Land Reclamation Commission		29 MoReg 1313		
10 CSR 60-5.010	Public Drinking Water Program		29 MoReg 465		
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10 CSR 140-2.030	Division of Energy				29 MoReg 415
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11 CSR 10-11.070	Adjutant General		29 MoReg 658	29 MoReg 1217	
11 CSR 10-11.080	Adjutant General		29 MoReg 659	29 MoReg 1217	
11 CSR 10-11.100	Adjutant General		29 MoReg 659	29 MoReg 1217	
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11 CSR 10-11.120	Adjutant General		29 MoReg 660	29 MoReg 1217	
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11 CSR 40-5.065	Division of Fire Safety		29 MoReg 1100		
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11 CSR 45-4.260	Missouri Gaming Commission		29 MoReg 535	This Issue	
11 CSR 45-5.150	Missouri Gaming Commission		29 MoReg 891		
11 CSR 45-5.180	Missouri Gaming Commission		29 MoReg 1246		
11 CSR 45-5.181	Missouri Gaming Commission		29 MoReg 1246		
11 CSR 45-5.200	Missouri Gaming Commission		29 MoReg 535	This Issue	
11 CSR 45-5.290	Missouri Gaming Commission		29 MoReg 1247		
11 CSR 45-6.030	Missouri Gaming Commission		28 MoReg 2241 29 MoReg 891	29 MoReg 541W	
11 CSR 45-10.020	Missouri Gaming Commission		29 MoReg 894		
11 CSR 75-1.010	Peace Officer Standards and Training Program		29 MoReg 1314		
11 CSR 75-13.010	Peace Officer Standards and Training Program		29 MoReg 1315		
11 CSR 75-15.010	Peace Officer Standards and Training Program		29 MoReg 1315		
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12 CSR 10-24.440	Director of Revenue		29 MoReg 1104		
12 CSR 10-25.040	Director of Revenue		29 MoReg 1315		
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13 CSR 70-10.015	Division of Medical Services	29 MoReg 1155	29 MoReg 736 This Issue	29 MoReg 1266	
13 CSR 70-10.080	Division of Medical Services	29 MoReg 1156	This Issue		
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13 CSR 70-15.160	Division of Medical Services		29 MoReg 894	This Issue	
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15 CSR 30-51.160	Secretary of State		This Issue		
15 CSR 30-51.170	Secretary of State		29 MoReg 843	29 MoReg 1319	
15 CSR 30-51.172	Secretary of State		29 MoReg 844	29 MoReg 1320	
15 CSR 30-51.173	Secretary of State		29 MoReg 845	29 MoReg 1320	
15 CSR 30-51.180	Secretary of State		29 MoReg 1055		
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19 CSR 60-50	Missouri Health Facilities Review Committee				29 MoReg 859 29 MoReg 1007 29 MoReg 1267 This Issue
19 CSR 60-50.300	Missouri Health Facilities Review Committee		29 MoReg 846		
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20 CSR	Medical Malpractice				27 MoReg 415 28 MoReg 489 29 MoReg 505
20 CSR	Sovereign Immunity Limits				27 MoReg 41 27 MoReg 2319 28 MoReg 2265
20 CSR 10-1.020	General Administration		This Issue		

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20 CSR 200-2.100	Financial Examination		29 MoReg 849		
20 CSR 400-7.095	Life, Annuities and Health		29 MoReg 986		
20 CSR 500-6.700	Property and Casualty				29 MoReg 754

Emergency Rules in Effect as of September 15, 2004 Publication Expires**Department of Agriculture****Animal Health**

2 CSR 30-2.010	Health Requirements Governing the Admission of Livestock, Poultry and Exotic Animals Entering Missouri.	Next Issue	March 1, 2005
2 CSR 30-6.020	Duties and Facilities of the Market/Sale Veterinarian	Next Issue	March 1, 2005

Department of Economic Development**Athlete Agents**

4 CSR 45-1.010	Fees	Next Issue	March 7, 2005
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Department of Elementary and Secondary Education**Missouri Commission for the Deaf and Hard of Hearing**

5 CSR 100-200.045	Temporary Restricted Certification in Education	29 MoReg 963	November 27, 2004
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Department of Mental Health**Director, Department of Mental Health**

9 CSR 10-31.014	Waiver of Standard Means Test for Children in Need of Mental Health Services	October 15, 2004	March 13, 2005
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Department of Public Safety**Division of Fire Safety**

11 CSR 40-3.010	Fireworks—Licenses, Sales and Penalties	Next Issue	March 7, 2005
11 CSR 40-3.010	Fireworks—Licensing, Permits, Sales, Inspection, and Penalties	Next Issue	March 7, 2005

Missouri State Highway Patrol

11 CSR 50-2.311	Bumpers.	Next Issue	March 9, 2005
11 CSR 50-2.320	School Bus Inspection.	Next Issue	March 9, 2005

Department of Social Services**Family Support Division**

13 CSR 40-2.375	Medical Assistance for Families	29 MoReg 1089	December 27, 2004
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Division of Medical Services

13 CSR 70-10.015	Prospective Reimbursement Plan for Nursing Facility Services.	29 MoReg 1155	December 15, 2004
13 CSR 70-10.080	Prospective Reimbursement Plan for HIV Nursing Facility Services	29 MoReg 1156	December 15, 2004
13 CSR 70-15.110	Federal Reimbursement Allowance (FRA)	29 MoReg 1089	December 13, 2004

Elected Officials**Secretary of State**

15 CSR 30-54.215	Accredited Investor Exemption	Next Issue	March 9, 2005
15 CSR 30-54.215	Accredited Investor Exemption	Next Issue	March 9, 2005

Attorney General

15 CSR 60-14.010	Definitions	October 15, 2004	March 10, 2005
15 CSR 60-14.020	Contract Procedures	October 15, 2004	March 10, 2005
15 CSR 60-14.030	Documentation of Legal Practice	October 15, 2004	March 10, 2005

Department of Health and Senior Services**Division of Environmental Health and Communicable Disease Prevention**

19 CSR 20-3.080	Description of Persons Qualified to Perform Percolation Tests, Soils Morphology Examinations in Determining Soil Properties for On-Site Sewage Disposal Systems and Installation of On-Site Wastewater Treatment Systems	October 15, 2004	March 10, 2005
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**Executive
Orders**

Subject Matter

2004

Filed Date

Publication

04-01	Establishes the Public Safety Officer Medal of Valor, and the Medal of Valor Review Board	February 3, 2004	29 MoReg 294
04-02	Designates staff having supervisory authority over agencies	February 3, 2004	29 MoReg 297
04-03	Creates the Missouri Automotive Partnership	January 14, 2004	29 MoReg 151
04-04	Creates the Missouri Methamphetamine Education and Prevention Task Force	January 27, 2004	29 MoReg 154
04-05	Establishes a Missouri Methamphetamine Treatment Task Force	January 27, 2004	29 MoReg 156
04-06	Establishes a Missouri Methamphetamine Enforcement and Environmental Protection Task Force	January 27, 2004	29 MoReg 158
04-07	Establishes the Missouri Commission on Patient Safety and supercedes Executive Order 03-16	February 3, 2004	29 MoReg 299
04-08	Transfers the Governor's Council on Disability and the Missouri Assistive Technology Advisory Council to the Office of Administration	February 3, 2004	29 MoReg 301
04-09	Requires vendors to disclose services performed offshore. Restricts agencies in awarding contracts to vendors of offshore services	March 17, 2004	29 MoReg 533
04-10	Grants authority to Director of Department of Natural Resources to temporarily waive regulations during periods of emergency and recovery	May 28, 2004	29 MoReg 965
04-11	Declares regional state of emergency because of the need to repair electrical outages by various contractors, including a Missouri contractor. Allows temporary exemption from federal regulations	May 28, 2004	29 MoReg 967
04-12	Declares emergency conditions due to severe weather in all Northern and Central Missouri counties	June 4, 2004	29 MoReg 968
04-13	Declares June 11, 2004 to be day of mourning for President Ronald Reagan	June 7, 2004	29 MoReg 969
04-14	Establishes an Emancipation Day Commission. Requests regular observance of Emancipation Proclamation on June 19	June 17, 2004	29 MoReg 1045
04-15	Declares state of emergency due to lost electrical service in St. Louis region	July 7, 2004	29 MoReg 1159
04-16	Orders a special census be taken in the City of Licking	July 23, 2004	29 MoReg 1245
04-17	Declares that Missouri implement the Emergency Mutual Aid Compact (EMAC) agreement with the State of Florida	August 18, 2004	This Issue
04-18	Accepts retrocession of federal jurisdiction over the St. Louis Army Ammunition Plant	August 25, 2004	This Issue

2003

03-01	Reestablishes the Missouri Lewis and Clark Bicentennial Commission	February 3, 2003	28 MoReg 296
03-02	Establishes the Division of Family Support in the Dept. of Social Services	February 5, 2003	28 MoReg 298
03-03	Establishes the Children's Division in the Dept. of Social Services	February 5, 2003	28 MoReg 300
03-04	Transfers all TANF functions to the Division of Workforce Development in the Dept. of Economic Development	February 5, 2003	28 MoReg 302
03-05	Transfers the Division of Highway Safety to the Dept. of Transportation	February 5, 2003	28 MoReg 304
03-06	Transfers the Minority Business Advocacy Commission to the Office of Administration	February 5, 2003	28 MoReg 306
03-07	Creates the Commission on the Future of Higher Education	March 17, 2003	28 MoReg 631
03-08	Lists Governor's staff who have supervisory authority over departments	September 4, 2003	28 MoReg 1556
03-09	Lists Governor's staff who have supervisory authority over departments	March 18, 2003	28 MoReg 633
03-10	Creates the Missouri Energy Policy Council	March 13, 2003	28 MoReg 634
03-11	Creates the Citizens Advisory Committee on Corrections	April 1, 2003	28 MoReg 705
03-12	Declares disaster areas due to May 4 tornadoes	May 5, 2003	28 MoReg 950
03-13	Calls National Guard to assist in areas harmed by the May 4 tornadoes	May 5, 2003	28 MoReg 952
03-14	Temporarily suspends enforcement of environmental rules due to the May 4th [et al.] tornadoes	May 7, 2003	28 MoReg 954
03-15	Establishes the Missouri Small Business Regulatory Fairness Board	August 25, 2003	28 MoReg 1477
03-16	Establishes the Missouri Commission on Patient Safety	October 1, 2003	28 MoReg 1760
03-17	Creates the Governor's Committee to End Chronic Homelessness	October 8, 2003	28 MoReg 1899
03-18	Designates the Missouri State Highway Patrol within the Department of Public Safety as lead agency in state communications	December 10, 2003	29 MoReg 7
03-19	Creates the Public Safety Communications Committee	December 10, 2003	29 MoReg 9
03-20	Requires configuration of two-way radios used by agencies of the state of Missouri to include established interoperability channels as specified by the State Interoperability Executive Committee	December 10, 2003	29 MoReg 12

Executive Orders	Subject Matter	Filed Date	Publication
03-21	Closes state offices Friday, November 28 and Friday, December 26, 2003	October 24, 2003	28 MoReg 1989
03-22	Establishes the Missouri Sexual Offender Registration Task Force	December 10, 2003	29 MoReg 14
03-23	Adds the functions of a State Citizen Council to the Disaster Recovery Partnership	December 10, 2003	29 MoReg 16
03-24	Establishes the Governor's Commission on Hispanic Affairs	November 8, 2003	28 MoReg 2085
03-25	Requires state agencies to adopt cyber security policies and procedures. Designates the Office of Information Technology as principal forum to improve policies and procedures	December 10, 2003	29 MoReg 18
03-26	Reestablishes the Office of Information Technology as the mechanism for coordinating information technology initiatives for the state	December 10, 2003	29 MoReg 21
03-27	Use of Missouri products and services	December 2, 2003	28 MoReg 2209

The rule number and the MoReg publication date follow each entry to this index.

ACCOUNTANCY, STATE BOARD OF

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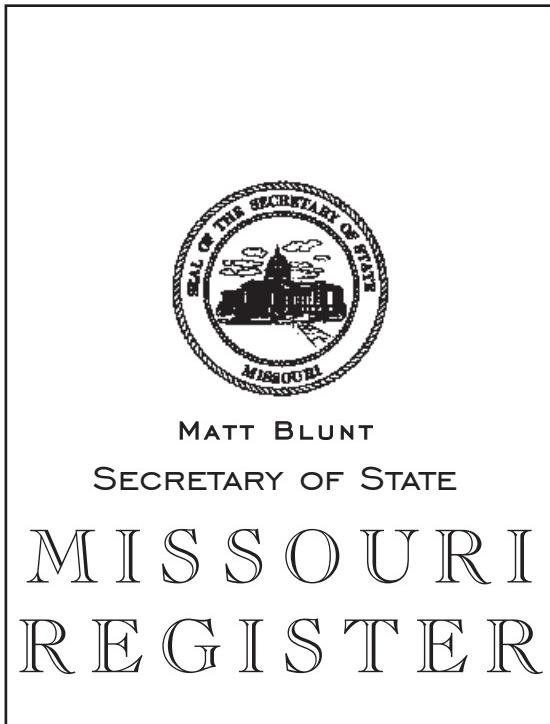
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Effective August 28, 2004, the provisions of 536.031.4, RSMo have changed. When filing new rulemakings which include materials incorporated by reference, the statute requires those materials to be available at the agency office, *but they are no longer required to be filed with the Office of Secretary of State, Administrative Rules Division.*

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